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GOVERNOR NOAH NOBLE

MESSAGES AND PAPERS
1831-1837

INDIANA HISTORICAL COLLECTIONS
VOLUME XXXVIII

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NOAH NOBLE

MESSAGES and PAPERS

relating to

the Administration of

NOAH NOBLE

Governor of Indiana

1831-1837

Edited by

Dorothy Riker and Gayle Thornbrough

INDIANA HISTORICAL BUREAU

Indianapolis 1958

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PREFACE

The present volume is the fifth in the series of Governors Messages and Papers which have been published by the Indiana Historical Bureau and its predecessor, the Indiana Historical Commission. The first two were devoted to the territorial governors, William Henry Harrison and Thomas Posey; the third to Jonathan Jennings, Ratliff Boon, and William Hendricks; and the fourth to James Brown Ray.

The correspondence and official papers of Noah Noble's administration, 1831-1837, have been gathered from several sources. His messages to the General Assembly are reproduced from the printed House and Senate Journals. The original manuscripts of these have not been found. Fragments of his official correspondence, largely relating to appointments and pardons, are in the Archives Division of the Indiana State Library. Only a sampling of this material has been included in the present volume. A considerable body of personal and some official correspondence was given to the Indiana Division of the Library by Noble's granddaughter, Esther Noble Carter, in 1931. Unfortunately this collection contains few drafts or retained copies of the letters which Noble wrote. A few Noble letters are in other manuscript collections in the State Library and in the Indiana Historical Society Library. Letters of inquiry to Indiana University, to local historical societies in Indiana, and to libraries in other states failed to bring forth more than two or three letters written by Noble. Probably there are some in private collections that will come to light in time.

Newspapers of the period in both the Indianapolis Public and Indiana State libraries have been used extensively. Some letters to and from Noble were found in these as well as a great deal of background material. The *Indiana Journal* and *Indiana Democrat* published at Indianapolis were especially helpful in this respect.

The *Executive Proceedings of the State of Indiana, 1816-1836,* published by the Historical Bureau in 1947 will be found useful in studying the appointments made by Noble. Records of the pardons granted and fines remitted by him are available only as they appear on the petitions in the Archives Division and in reports made by committees in the General Assembly. The three volumes of *John Tipton Papers,* also published by the Historical Bureau, throw considerable light on the political situation in Indiana in the 1830's and contain the correspondence of Tipton, United States senator, with Governor Noble.

No comprehensive biography of Noah Noble has been written, and for this reason such information on his early life as has been found has been included in the Introduction to the present volume. For genealogical data we are indebted to the late Esther Noble Carter and to her niece, Mary Esther Sparks Cousley, a great-granddaughter of Noah Noble.

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ABBREVIATIONS

ADS	Autograph Document Signed
ADftS	Autograph Draft Signed
ALS	Autograph Letter Signed
DS	Document Signed
IHS	Indiana Historical Society Library
ISL	Indiana State Library
LS	Letter Signed

INTRODUCTION

INTRODUCTION

Noah Noble was thirty-seven years of age when he took the oath of office as fifth governor of Indiana on December 7, 1831. Like his predecessor, James Brown Ray, his first years in Indiana had been spent in Brookville, but for the past five years he had lived in Indianapolis. Noble was born in Frederick (now Clarke) County, Virginia, January 14, 1794. According to one account, his great-grandfather, Dr. Robert Noble I, had emigrated from the family home near Glasgow, Scotland, in the 1600's to Westmoreland County, Virginia, where he died in 1704. His son Robert attended the University of Aberdeen in Scotland, and then located in Prince George County, Maryland.

Another account does not mention this emigrant ancestor, but begins the family history with a Robert Noble who was born in Scotland in 1704, attended the University of Aberdeen, and in 1738 emigrated to Westmoreland County, Virginia. His eldest son, Robert II, then located in Prince George County, Maryland. From this point the two accounts agree. The Prince George County Noble had two sons, George and Thomas, who moved on westward to Frederick County, Virginia, in the Shenandoah Valley. George was an attorney; Thomas became a doctor. Dr. Thomas Noble married Elizabeth Claire Sedwick and they established their home near the present Berryville, in what is now Clarke County. Three sons were born to them here—James, Lazarus, and Noah—and two or more daughters. Then toward the end of the century the Doctor felt the call of the West, sold his home and lands, and moved to Campbell County, Kentucky, where he bought land. By 1807 he had moved into Boone County where he became the owner of a three hundred-acre plantation on the Ohio River. He built a stone house and lived in a manner befitting a southern gentleman,

with slaves at hand to tend his estate and do his bidding.[1] In 1815 Thomas Noble joined with Col. Edward Meeks in platting the town of Belle View, one third of which was on Noble's land.[2]

Early Life

Thomas Noble's family continued to grow until it numbered eight daughters and six sons.[3] Opportunities for educating the children were limited. County records mention a schoolhouse near the farm, and a county seminary was organized about 1812. The older sons may have returned to Virginia to attend school. James, the oldest, was admitted to the practice of law in 1808.[4] Shortly thereafter he left the family home and moved northward to the Forks of the Whitewater River in Indiana Territory where a new town called Brookville had been platted. It was a promising location and many settlers from the East and South were attracted to it. While the War of 1812 checked the settlement's growth, it gave young James an opportunity to display his abilities as a leader. On April 22, 1811, he was commissioned colonel of the Seventh Regiment of Indiana territorial militia, composed of men from the new county of Franklin. They built a number of blockhouses in strategic locations for the safety of their families and organized ranger companies to guard the frontiers.[5] James's

[1] Manuscript material relating to the Noble family, compiled by Esther Noble Carter and Mary Esther Sparks Cousley, Genealogy Division, Indiana State Library.

[2] Boone County (Ky.) Court Records, December Term, 1815, in Office of County Clerk, Burlington. The plat contained about ninety acres. The title to the town lots was vested in a board of trustees, composed of Moses Scott, Jameson Hawkins, John J. Flournoy, Daniel Symes, and John Brownson. The following year Robert Garnett, William Rogers, and Willis Graves were appointed trustees in place of Symes, Brownson, and Flournoy. *Ibid.*, October Term, 1816. The town apparently never flourished; today it has a population of about two hundred. Dam No. 38 is now located at this point on the Ohio River.

[3] Six sons and seven daughters were named in Thomas Noble's will, dated September 6, 1815. It was admitted for probate at the April Term of court, 1817. In the final settlement of the estate in 1837, following Mrs. Noble's death, eight daughters are mentioned. Boone County (Ky.) Will Records, A:302-6; C:473-74.

[4] Boone County Court Records, July Term, 1808.

[5] Caroline Dunn, "Defense in Pioneer Days: Col. Noble's Franklin

younger brother Noah, who would have been seventeen in 1811, apparently came to Brookville at this time and served in the militia as soon as he was of age.[6]

James was not only a military leader but in 1813 was elected to represent his county in the Territorial Assembly. Two years later he was appointed presiding judge of the Third Judicial Circuit in Indiana Territory. He was a member of the Constitutional Convention that met in the summer of 1816 and the following November was elected to represent the new state in the United States Senate.

Noah Noble's activities during the years between 1812 and 1816 are not known, but in the latter year he purchased property in Brookville. In 1817 he was commissioned lieutenant colonel of the Seventh Regiment, Indiana Militia, and was among the first initiates of the newly organized Harmony Lodge of Free and Accepted Masons. During this and the following year he seems to have engaged in a number of enterprises with Enoch D. John, his brother-in-law, including land speculation, operation of the Brookville Hotel, and running a fulling mill with two wool carding machines and a shearing machine on the East Fork of the Whitewater. Noble and John, together with Stephen Ludlow and Isaac Dunn of Lawrenceburg, engaged in trading under the firm name of N. Noble & Company.[7] Apparently the firm gathered and shipped produce to New Orleans. The accidental loss in 1819 of a cargo on either the Whitewater or Ohio left Noah heavily in debt.[8] This misfortune, complicated by difficulties in a land transaction,[9] temporarily terminated his mercantile career. He decided to return to Virginia. According to tradition he considered studying

County Militia," in *Year Book* of the Society of Indiana Pioneers, 1953, pp. 5-13.

[6] See below, 55.

[7] Information on Noble's early years in Brookville was gleaned from the files of the Brookville *Enquirer,* 1818-20, from the Franklin County court and deed records, and from August J. Reifel, *History of Franklin County Indiana* . . . (Indianapolis, 1915).

[8] Undated letter of Noble to Editor of Lawrenceburg *Indiana Palladium,* published in issue of December 4, 1830.

[9] Noble to Amos Lane, October 10, 1836, draft copy in Noah Noble Papers, Indiana State Library; below, 12n-13n.

law with his uncle, George Noble, but apparently never did. The trip gave him the opportunity to renew his acquaintance with his uncle's attractive young granddaughter, Catherine Stull Van Swearingen. Friendship progressed to courtship and on November 8, 1819, they were married at the home of her parents near Berryville.[10]

In spite of his recent misfortune, Noble felt that the West offered better opportunities for a young couple than were available in Virginia, and he and his bride soon set out for Indiana. They stopped at Brookville and then went to Belle View to see his mother and the younger members of the family.[11] After a short visit the young couple returned to Brookville to establish their home.

The Indian title to the central part of Indiana had been relinquished by the treaty of St. Marys in October, 1818; surveyors were busy laying out the township, range, and section lines preparatory to opening the area to settlers. A land office was to be opened at Brookville as soon as the land was ready for sale. More than a hundred houses, some of them built of brick, a brick courthouse, jail, market house, newspaper office, stores, hotels, and the usual offices and shops of lawyers, doctors, tailors, etc., made up the town. Close by were two grist- and sawmills, three fulling mills, and carding machines.[12] Judge William B. Laughlin had opened a school, a Sunday School had been organized, and preaching services were held each Sunday.[13] The Census of 1820 showed a population of 10,824 in Franklin County, of which Brookville was the principal town and county seat.

[10] Sketch of Noah Noble in Noble Family History, Genealogy Division, Indiana State Library.

[11] Noble to Editor, Lawrenceburg *Indiana Palladium,* December 4, 1830.

[12] Harlow Lindley (ed.), *Indiana As Seen by Early Travelers* . . . (Indiana Historical Commission, 1916), 149-50, 202.

[13] Brookville *Enquirer and Indiana Telegraph,* February 4, 1820, and succeeding issues (microfilm copy in Indiana State Library).

Enters Public Service

Militia service was still considered an important obligation of citizenship. Noble had earlier served as lieutenant colonel and now on his return was sufficiently popular to be elevated to the rank of colonel of the Seventh Regiment by vote of its members. He was commissioned on March 17, 1820.[14]

Encouraged by his election as a militia officer, Noble decided during the summer of 1820 to offer his name for a civil office—that of county sheriff. Four others announced for the office, but two of these evidently withdrew before the election in August. Noble received more than twice the number of votes cast for his nearest opponent, John B. Rose. Following his election as sheriff, he resigned his militia commission, asserting that he wanted to give his full attention to the office for which he had run and to which he had been elected.[15]

The duties of a sheriff were not always pleasant for they included, among other things, the public whipping of persons convicted of minor crimes and selling the property of insolvent debtors. Noble must have acted with fairness and won the respect of his fellow citizens, for when he ran for re-election in 1822 he received all but nine of the 1,186 votes cast for sheriff.[16] At the end of his second term he was elected to represent his county in the lower house of the General Assembly.[17]

The first four years of Noah's and Catherine's married life were not without their troubles and sorrow. A son, Thomas, born on their first wedding anniversary, died shortly before he was a year old. Another son born on June 25, 1824, died at

[14] *An Act Regulating the Militia of the State of Indiana,* 1818, pp. 6, 10-11; *Executive Proceedings of the State of Indiana 1816-1836 (Indiana Historical Collections,* Vol. 29, Indianapolis, 1947), 130.

[15] Brookville *Enquirer,* August 15, 1820.

[16] Election Returns, 1822, Franklin County, in Archives Division, Indiana State Library.

[17] The official returns for this election have not been found; Woollen states that he received all but twenty of the votes cast for representative. William Wesley Woollen, *Biographical and Historical Sketches of Early Indiana* (Indianapolis, 1883), 65.

birth. A daughter, Catherine, born in 1822, grew to womanhood.[18]

Legislator

The General Assembly which should have met the first Monday in December, 1824, was delayed for a month pending removal of the seat of government from Corydon to Indianapolis. The site for the new capital had been selected in the center of the state in 1820; a town called Indianapolis had been platted the following year and the first lots sold in October of 1821. Marion County had been organized a year later with Indianapolis as the county seat. Noble had visited the site in the spring of 1821, probably with the idea of buying land.[19] Now on his return in January, 1825, he found it was still a capital in the wilderness. Although Washington Street, the main thoroughfare, had been cleared of trees, in many places the stumps remained to make walking and riding hazardous. Most of the business houses—taverns and stores, shops of the tailor, hatter, shoemaker, cabinetmaker, and barber, offices of lawyers, physicians, and printers—and some of the residences were strung along this street for a distance of three or four blocks. The newly erected courthouse was the most imposing building in town and it was here that the General Assembly met.[20]

Noah Noble found in Indianapolis friends and relatives from his home town. The principal store was owned in part by a brother-in-law, Richard Tyner; John Conner, formerly of Franklin and Fayette counties, was Tyner's partner. Bethuel F. Morris, agent for the sale of lots in Indianapolis, and Judge William W. Wick had formerly lived in Brookville. Among the sixty-three members of the Ninth General Assembly were Stephen C. Stevens, James B. Ray, John Conner, James Rariden, Dennis Pennington,

[18] Noble family history, in Genealogy Division, Indiana State Library.

[19] Noble to Mrs. Catherine Noble, June 2, 1821, in Noah Noble Papers, Indiana State Library.

[20] For a description of Indianapolis at this time, see Charles N. Thompson, *Sons of the Wilderness. John and William Conner* (Indiana Historical Society *Publications,* Vol. 12, Indianapolis, 1937), 146-49, and map.

Noah Noble

Catherine Stull
Van Swearingen Noble

Samuel Milroy, Milton Stapp, Nathan B. Palmer, Thomas Hendricks, Henry Hoover, David Robb, Thomas Posey, David H. Maxwell, John K. Graham, and David Hillis. Some of these had already made their mark on the state; others were just at the beginning of their careers.

Following the organization of the House of Representatives, Noble was appointed to the committee on Military Affairs; a week later he was added to the important committee on Ways and Means, and still later to the committee on the affairs of Indianapolis.[21] One of the first items of business was the election of a United States senator to succeed Waller Taylor. Governor William Hendricks was chosen on the fourth ballot, but he did not resign as governor until the last day of the session, February 12.[22] Following Hendricks' resignation, James B. Ray, president pro tem. of the Senate, was sworn in as governor. The Assembly also elected a new secretary of state. Enoch John, Noble's brother-in-law and former business partner, was a candidate for the office but lost to W. W. Wick on the sixth ballot.[23]

His experience as sheriff led Noble to suggest a number of changes in the laws, especially those subjecting real and personal property to execution for debt and those concerned with the assessment and collection of taxes. Some of his suggestions were enacted. Having witnessed a large expenditure of county revenue for the support of paupers, he suggested that the state take over this task and build one or more asylums for the poor; this proposal did not meet with approval. Noble showed his interest in education and its support by asking for a closer check on fines and other moneys which according to law were to be paid into the seminary fund.[24] In this, his only term as a legislator, Noble rendered creditable service; so far as is known he was never attacked for anything he said or did while serving as representative. Since members of the lower house were elected annually, he had to

21 Indiana *House Journal,* 1825, pp. 9, 74, 151.

22 *Ibid.,* 32-33.

23 *Ibid.,* 33-34.

24 *Ibid.,* 46, 58, 73, 92, 196; *Laws of Indiana,* 1825, pp. 26-29, 63-72, 96-97.

stand for re-election in August. He was again successful, but because of appointment to another office, he did not serve.

Receiver of Public Moneys

Following the establishment of the Brookville Land Office, Lazarus Noble, brother of James and Noah, had been appointed receiver of public moneys, and Robert Hanna, Jr., register of deeds.[25] The office opened in October, 1820, and continued at Brookville until the fall of 1825 when instructions were given to move it to Indianapolis. Lazarus Noble left Brookville for the capital in September but became ill on the way and stopped at the home of Judge David Mount in Metamora. The register and Noble's deputy, Josiah F. Polk, went on to Indianapolis with the records and opened the land office there according to schedule on Saturday morning, October 1. About noon they received the news that Noble had died on September 28, whereupon the office was closed to await the appointment of a new receiver.[26] Senator James Noble no doubt sent a strong recommendation to President Adams for the appointment of his brother Noah to the office. The President complied with an interim appointment and Noah Noble apparently took over the office on December 14.[27]

The office of receiver of public moneys was a position of responsibility, requiring a bond of $30,000.[28] Besides keeping the records and accounts, the receiver was charged with the custody of the receipts and their transfer quarterly to the branch of the United States Bank at Cincinnati. There was no bank in Indianapolis, not even a bank vault. A receiver at the Crawfords-

25 U. S. Senate, *Executive Proceedings,* 3 (1815-29) : 209, 211.

26 Records of the Brookville and Indianapolis Land offices, in Archives Division, Indiana State Library; Indianapolis *Gazette,* October 4, 1825.

27 Indianapolis *Gazette,* November 22, 1825. Josiah F. Polk received $114 for keeping the money, books, and papers of the office from September 29 to December 14, 1825. Receipt dated February 11, 1826, in Noble Papers.

28 George Graham, Commissioner of General Land Office, to Noble, November 4, 1825, in Noble Papers.

ville Land Office in the 1830's described how he kept the money in an iron chest, and when it was full he resorted to kegs; these he rolled under the bed in the office and slept there to guard them.[29] Perhaps the greatest hazard was not from theft but from the importunate demands of business friends that the receiver lend them funds for a few days to tide them over an emergency, promising to return it with interest before the time of deposit.

President Adams sent Noble's appointment to the United States Senate for confirmation early in January and it was ratified a day or so later; he was to serve for four years or until removed by the President.[30] Very little is known of Noble's administration of the office. His commission was one per cent of the receipts from the sale of land and amounted to approximately $3,000 during the three and one-half years he was in office.[31] He retained the position until the summer of 1829, when he was among the first of the Federal officeholders to be removed by Andrew Jackson after he became president. His removal was probably not entirely unexpected, although he apparently hoped to be retained. He did not deny that he had come out for Adams during the election campaign. On the other hand, he was accused of trying to influence the Jackson electors to write a letter to the President-elect in his behalf, by "wining and dining" them when they met in Indianapolis to cast their vote. Noble denied that he had done more than offer them the hospitality that he usually accorded strangers and visitors to the capital city. John Tipton and Samuel Judah, two of the Indiana delegation that went to Washington to greet the new President, recommended that Noble be retained. But Jackson apparently accepted the counsel of Israel T. Canby, Homer Johnson, one of the McCartys, and perhaps others who wanted him removed.[32]

[29] *The John Tipton Papers . . . (Indiana Historical Collections,* vols. 24-26, Indianapolis, 1942), 3:638-39.

[30] U. S. Senate, *Executive Proceedings,* 3:460, 471.

[31] Noah Noble Papers, 1830.

[32] Samuel Judah to Noble, March 13, 1829, Noble Papers; Noble to the Editor, Lawrenceburg *Indiana Palladium,* December 4, 1830; *John Tipton Papers,* 2:133, 152, 195, 355.

He was succeeded by James P. Drake, while Arthur St. Clair, grandson of Gen. Arthur St. Clair, took over the office of register. In the settlement of his accounts, a difficulty arose over the amount allowed for the transportation of land office receipts to Cincinnati. According to his correspondence with the General Land Office and the Treasury Department, the same mail that brought him the information that he had withheld $51.12 more for transportation charges than he should have, and that he should go to Cincinnati to pay that sum to the Branch of the United States Bank, also brought a letter to the United States district attorney instructing him to bring suit against Noble and his securities for that amount. The suit, which Noble declared was instigated by his political enemies to discredit him, was entered on the docket but never came to trial. Noble's friends in Washington, especially John Tipton, continued to press for a review of his accounts and finally in August, 1832, word was received that by allowing Noble the same sum for transportation that his successor was allowed under a new treasury regulation, the deficit would be wiped out, and instead of Noble owing the government, the government then owed Noble $102.81. This amount he could receive provided he paid the costs and charges of the suit pending against him. While this cleared him of any misconduct, he was not satisfied; he claimed a larger refund and denied any responsibility for the costs of the suit. Whether or not he received any further payment or paid the court costs is not known.[33] Though

[33] There are a number of letters and documents in the Noble Papers relating to the settlement of his accounts as receiver. See especially Noble to Elijah Hayward, October 3 and 5, 1831; August 18, September 29, and October 27, 1832; Louis McLane, Secretary of the Treasury, to Noble, July 24, 1832; Joseph Anderson, Comptroller of the Treasury Department, to Noble, August 2 and November 29, 1832. See also the *John Tipton Papers*, 2:355-56.

Another litigation in which Noble was involved serves to illustrate his tenacity of purpose. To summarize a long story, John Hamilton, sheriff of Dearborn County, had a claim to some thirty or more lots in Brookville, the title to which was disputed. He offered to sell these for $1,000, holding the note for payment therefor until he could clear the title by a law suit and make the deed. Noble accepted this offer and gave his obligation for $1,000. A short time later, on May 14, 1818, Hamilton died without having perfected his title to the lots. His

his name had been cleared, the fact remains that he had to carry this embarrassing handicap through his first gubernatorial campaign.

Relieved of his duties as receiver in the summer of 1829, Noble found himself for the first time in nine years out of public office. While in the land office he had acquired some private interests to which he could now turn his attention. One of these was the Steam Mill Company incorporated in 1828 by Nicholas McCarty, James Blake, James M. Ray, Daniel Yandes, Noah Noble, and William Sanders, all well known citizens of Indianapolis. They purchased a site on the White River, just north of Washington Street, and erected a three-story building that housed a sawmill, gristmill, and wool carding machine. It did not prosper and after a few years it was abandoned and the machinery offered for sale.[34]

Noble also had an interest in a tannery that was located at the east edge of town. Hervey Bates and later Benjamin I. Blythe were co-owners with Noble.[35] How much personal super-

estate was insolvent and the administrators brought suit for the collection of Noble's note, Amos Lane being employed as their attorney. The case was continued from year to year; then in 1826 the courthouse at Lawrenceburg burned destroying all the records of the court except some that Lane had in his private possession. Lane filed a new suit against Noble and the latter was forced to go to him to obtain certain information necessary for filing a new bill in chancery. The attorney Noble had employed had left the state by this time and Lane offered to switch sides and defend Noble, whereupon the latter gave him possession of all his papers. The defense Lane prepared for Noble was so imperfect that another had to be prepared, and in addition Noble learned that Lane had not been dismissed as the attorney of Hamilton's administrators. Believing that Lane had intended to trap him, Noble and the administrators now joined forces and had Lane expelled from the bar for taking fees from both parties to a suit. There are a number of documents and papers in the Noble Papers relating to the case. The facts are summarized in Noble's letter to Lane, October 10, 1836. Lane was ambitious politically and about this time joined the Jackson forces, thus becoming a political as well as personal enemy of Noble. He was elected to Congress in 1833 and used his influence against Noble whenever possible.

[34] Berry R. Sulgrove, *History of Indianapolis and Marion County, Indiana* (Philadelphia, 1884), 98-99. Sulgrove commented that "the enterprise was too big for Indianapolis."

[35] Articles of partnership, December 18, 1829, and February 22, 1831, in Noble Papers.

vision Noble gave to these investments is not known. He also had a modest investment in a farm at the southeast edge of Indianapolis on which he made improvements in 1828 involving the building of fences, ploughing, and erecting a double log cabin.[36] Also, a receipt dated December 31, 1828, shows that he was the Indianapolis agent for the Hartford Fire Insurance Company, and he may have continued in this capacity during the succeeding years.

His correspondence during the time when he was out of office indicates that he did considerable traveling over the state, probably with an eye to his political future. One of his friends had written him in December, 1829, "You can be our next Governor if you choose."[37] Noah Noble did so choose and began to work toward that end.

Legislation introduced during the 1829-30 session of the General Assembly called for the creation of the office of contract commissioner for construction of the Michigan Road. To make certain that Noble would receive the appointment to the new office, his friends inserted his name in the bill as the first commissioner. Governor Ray, who had been unfriendly to Noble since the 1828 gubernatorial campaign, opposed this insertion but finally signed the bill so that construction of the road could go forward.[38]

First Campaign for Governor

In spite of the fact that Noble had incurred the enmity of such men as Amos Lane[39] and James Brown Ray, his personal popularity in 1831 was probably equal to that of any man in the state. But the time had passed when a candidate could be

[36] Memorandum of agreement between Samuel Darnel, Benjamin I. Blythe, and Noah Noble for farming the west half of southeast quarter, section 8, township 15 north, range 4 east, in Noble Papers.

[37] Thomas Fitzgerald, Boonville, to Noble, December 26, 1829, in Noble Papers.

[38] *Messages and Papers relating to the Administration of James Brown Ray, Governor of Indiana, 1825-1831 (Indiana Historical Collections,* vol. 34, Indianapolis, 1954), 354-56n, 454n, 522-23n.

[39] See note 33 above.

elected to office on this alone. Party lines had been drawn to such an extent that it was now necessary to have the backing of one or the other of the two dominant parties—the Democratic Republican and National Republican, soon to be called Democratic and Whig. In Indiana their adherents were known respectively as Jackson men and Adams-Clay men.

The men that voted for Andrew Jackson in 1828 were not organized as a political party; the element of cohesion was their leader. All during his administration he was to be consolidating and welding his followers together into a party organization. At the same time that this process was going on, a number of those who had supported him in 1828 were being alienated by his policies and decisions regarding such issues as internal improvements, the United States Bank, the tariff, and the public lands, and were turning to the opposition party. It was a period of fluid political allegiance. Except for Jackson's attitude toward internal improvements, which had been forecast by his veto of the Maysville Road bill in 1830, the full extent of his future policies were as yet unknown at the time Noble became a candidate for governor.

Though Noble was the accepted leader of the Clay men, his candidacy was not announced by any political group. His name was listed among other candidates for governor in the Lawrenceburg *Palladium* as early as November 13, 1830. Any hope that he may have had of running as an independent candidate was shattered when a group of Jackson men got together in Indianapolis unofficially during the spring term of the District Court in 1831 and pledged their support to James G. Read, of Daviess County, and Amos Lane, of Dearborn County, as candidates for governor and lieutenant governor, respectively, on the Jackson ticket. At the same time plans were made for the campaign. The proceedings of the meeting were published in the newspapers of the state as coming from the Jackson Central Committee.[40]

This method of choosing candidates had been used in the East but was new in Indiana. It created distrust in the minds of many Hoosiers and was denounced by anti-Jackson newspapers. For

[40] Indianapolis *Indiana Democrat,* May 7, 1831; Madison *Indiana Republican,* May 26, 1831.

example, the Madison *Indiana Republican* warned that "it clearly and plainly exposes the artful plans and secret combinations which are in operation, to control the freemen of Indiana, & make them the humble slaves of a set of interested aspirants who would barter the liberties and honor of the people for their own private advantage." The article concluded with the question, "Will the honest & intelligent friends of the present administration consent to surrender their freedom of opinion and action to the control of office seekers & demagogues and like the dray horse, submit to the lash? we think not."[41] The *Indiana Journal* (Indianapolis) of May 14, 1831, remarked: "It remains to be seen, whether the people will sanction this assumption of power, by which it is attempted to save them the trouble of determining for themselves who are *fit* candidates for their suffrages."

Read accepted this "caucus" nomination but Lane declined to run and Ross Smiley, of Union County, came out in his place for lieutenant governor on the Jackson ticket.[42] Noble formally announced his candidacy in a circular to the people on May 10.[43] By this time David Wallace, a fellow townsman of Brookville, had become a candidate for lieutenant governor on the National Republican ticket. Milton Stapp, of Madison, and James Scott, of Charlestown, came out as independent candidates for governor, but Scott withdrew before the election. James Gregory became Stapp's running mate on the independent slate; he had followed the frontier as it moved northward, having been a resident of Washington, Lawrence, and Shelby counties, and in 1831 moved to Warren County. The campaign was in full swing by the first of May. By the end of July Noble and Read had visited most of the counties of the state.

In his circular Noble stressed "the encouragement of agriculture by a judicious application of our resources, in improving natural and making artificial avenues" of transportation for exporting the farmer's surplus produce and enabling him to receive in return the necessary supplies. He viewed a moderate tariff

[41] Issue of May 19, 1831.
[42] Indianapolis *Indiana Democrat,* June 2, 1831.
[43] Printed below, 55-58.

as necessary if the farmer was to get an adequate price for his products. Another object of his concern was the militia system which he felt was a failure as it then existed; he favored reorganization on a national basis with uniform regulations for all the states.

Read likewise gave his views in a circular to the people: he was an advocate of a moderate and efficient tariff for the protection of the domestic industry of the United States; on the subject of internal improvements, he believed that such works as were considered essential to the defense or commerce of the nation should be constructed by the general government, leaving the control of local improvements to the states. The latter could be effected with the aid of the surplus national revenue equitably distributed among the several states.[44]

As the campaign wore on, the friends of the two principal candidates became increasingly personal in their criticisms. Read was criticized for serving as receiver of public moneys at the Jeffersonville Land Office and drawing a commission from that at the same time he was out campaigning; the Jackson men in turn pointed out that Noble was holding the office of contract commissioner on the Michigan Road which gave him opportunities to electioneer while traveling up and down the line inspecting the work and letting contracts. Friends of Noble accused Read of mailing handbills to postmasters with a request that they circulate them. The Clay men pointed out that this was contrary to post office regulations unless, as they added with sarcasm, President Jackson had issued a special dispensation to his postal appointees. Read explained a few weeks later that the mailing had been done without his knowledge by a friend who was ignorant of the law. Another criticism leveled at Noble was that he accommodated himself to every part of the state, emphasizing one thing in one part and another thing in another part. For example, in the counties where Read was particularly popular, he asked the Clay men if they were prepared to sacrifice their political principles for their personal preferences. In strong Jackson coun-

[44] Madison *Indiana Republican,* June 16, 1831.

ties he was willing to forget party and make an appeal for personal support. In the northern counties he was a zealous canal man, while in the southern counties he was cool on that subject and averse to involving the state in the prosecution of the Wabash and Erie Canal. Noble, in turn, accused Read of using this same strategy. Read claimed that by perpetually talking about farming and tanning, Noble gave the impression that he was extensively engaged in these enterprises, which was not the case.[45]

One of the most serious charges made against Noble was that he had sold a Negro girl back into slavery after she had gained her right to freedom by residence in a free state. An anonymous writer in the *Indiana Democrat* claimed that this was causing Quaker opposition to Noble in Hendricks County, but a member of that group denied the authority of anyone to speak for them. Noble offered this explanation: the Negro belonged to his father-in-law and was brought West by Noble and his bride following their marriage in Virginia, with the understanding that the father expected to move his family to the West in a short time and would reclaim her. The Nobles stopped in Brookville for two days before going on to Kentucky where they left the slave girl with Noble's mother pending the arrival of her owner. Eli Van Swearingen decided to stay in Virginia and instructed Noble to sell the girl. This he did in 1820. Noble pointed out that this incident had not damaged his reputation in Franklin County, but now it was trumpeted forth by his enemies to arouse the antislavery element against him.[46]

[45] The Indiana newspapers on both sides of the contest were full of election news during June and July of 1831. See especially the Indianapolis *Indiana Democrat,* July 9, 16, 30 (quoting Madison *Herald*), 1831; Indianapolis *Indiana Journal,* July 2, 16, 1831; Madison *Indiana Republican,* May 25, June 9, July 7, 1831; Lawrenceburg *Indiana Palladium,* July 30, 1831. See also Noble's circular of July 15, 1834, printed below.

[46] Indianapolis *Indiana Democrat,* July 16, 1831; Indianapolis *Indiana Journal,* July 23, 1831; Noble to Editor, Lawrenceburg *Indiana Palladium,* December 4, 1830. The Boone County (Ky.) Deed Records (D:377) show that Noble did sell a Negro girl into slavery for life on January 3, 1820. The fact that he received only twenty-six votes for governor in 1831 in Hendricks County, where there were a number of Quakers, would indicate that the disclosure of the incident may have had an effect in that county.

The campaign came to an end on August 1. A tally of the votes for governor showed 23,518 for Noble, 21,002 for Read, and 6,984 for Stapp. For lieutenant governor, Wallace received 22,801, Smiley, 17,502, and Gregory, 7,163.[47] The vote was not strictly along party lines; personal popularity and such interests as the Wabash and Erie Canal played a prominent part.[48] The Jackson party was successful in electing all three Congressmen, but in the General Assembly it was conceded that the Clay men were in the majority.

Noble now had four months to prepare for the most important office he had yet held. A contemporary described him as tall and slim, with a delicate constitution, a winning smile, feeble voice, and irresistible handshake. He spoke plainly and well, but made no pretense to eloquence. Another wrote of him that he was self-taught, but capable of learning how to manage all kinds of important business; although his constitution was not rugged, he could endure almost any fatigue.[49] In citing his qualifications for the office of governor, the *Indiana Journal* described him as a man of plain common sense and honesty of purpose, faithful in discharging the duties committed to his care, and possessing a

[47] These totals were tallied from the election returns in the Archives Division plus the returns of Hendricks, Knox, and Washington counties as given in the Vincennes *Western Sun,* September 24, 1831. Returns for these counties were not found in the Archives Division. Strangely enough, when the votes were counted in the House of Representatives in December, the returns from only 43 of the 64 counties were included. See below, 59-60, for the totals given in the *House Journal.* The complete vote by counties as given in the *Western Sun* of September 24 differs slightly from that given on the official returns, which are printed in the Appendix to the present volume.

[48] For example, Cass County gave most of its vote to Noble because of his interest in the canal. Wallace's vote in Read's home county of Daviess was greater than that given to Read, while in Wallace's home county of Fountain, Read received a larger vote than Noble. The *Western Sun* of August 27, 1831, stated that in the First Congressional District where there was a majority of from four to five thousand Jackson voters, Wallace received a majority of nearly four thousand. In the Third District where there was but a small difference in the strength of the two parties, Smiley received a large majority.

[49] Oliver H. Smith, *Early Indiana Trials and Sketches* (Cincinnati, 1858), 87; Woollen, *Biographical and Historical Sketches,* 69.

thorough knowledge of the interests, wants, and wishes of the people. Although not always in agreement with Noble, the editor of the *Journal* acknowledged that he had always found him open, frank, magnanimous, and honorable.[50]

Both Noble and his wife were familiar with southern plantation life before coming to Indiana, and no doubt dreamed of the time when they might be able to recreate in their adopted state something on the same order. In 1832 when the outlots at the east edge of Indianapolis were offered for sale they bought eight of these (Nos. 45, 50, 55, 56, 61, 67, 68, and 69) for a total of slightly less than $250; to these they added the west half of the southwest quarter of section 6 (in township 15, range 4) which they purchased from Cassey Ann Pogue for $1,000 in 1832 and later, in 1836, the south half of the west half of the northwest quarter was purchased from John G. Brown for $500. Enoch D. John, brother-in-law and business partner of Noble, owned the east half of the southwest quarter of section 6 and Noble may have rented this before he purchased it in 1840.[51] In terms of present-day Indianapolis the above comprised the area lying north and south between Washington and Walnut streets, and east and west between Noble (now College Avenue) and Arsenal streets.

After the land was cleared Noble planted an orchard of peach and apple trees and a vineyard. While some of the land was cultivated, much of it was put into pasture. His sheep, oxen, calves, and hogs were awarded premiums at the county fair.[52] In the middle of the farm, on what is now East Market Street, the Nobles built a spacious home of white painted brick of the type with which they were familiar in Virginia, with a broad center hall with rooms on either side, and extending wings. In the rear were several more rambling rooms comprising the kitchen and servants' quarters; upstairs were the bedrooms. The house

50 Issue of June 4, 1831.

51 Indianapolis, Sale of Lots, Day Book, July 1820—October 1840. MS in Archives Division, Indiana State Library; deeds in Vallette Miller Papers, Indiana Division, Indiana State Library.

52 See, for example, Indianapolis *Indiana Journal,* October 15, 1836; Indianapolis *Indiana Democrat,* October 28, 1837.

was completed in 1833.[53] Here the Governor and Mrs. Noble entertained the members of the legislature, their friends, and visitors to the capital city. A son, their last child, was born to the Nobles on November 2, 1834, and named Winston Parke. Their daughter Catherine was then twelve years of age.

About this same time, Noble brought some of the family's emancipated slaves from Kentucky to Indianapolis. He took care of them during his lifetime and further provided for them in

his will. One of them is said to have furnished Harriet Beecher Stowe with her prototype of "Uncle Tom."[54]

Indiana was beginning its sixteenth year as a state at the time Noble became governor. During that time the population had increased from about 64,000 to about 350,000, most of whom lived south of Indianapolis. North of the Wabash River, the Pota-

[53] Agnes McCulloch, "Old Houses in Indiana" (clippings from the Indianapolis *Star* in ISL), 3:58; William Wesley Woollen, undated sketch of Noble in Indianapolis *Journal,* in Scrapbook of Mrs. Thomas R. White, Pendleton; Noble family history, compiled by Mary Esther Sparks Cousley, in Genealogy Room, Indiana State Library. The sketch of the house printed here is from the newspaper clipping in Mrs. White's scrapbook.

[54] Boone County (Ky.) Will Records, C: 473-74; *Indiana Magazine of History,* 7 (1910) :112-18.

watomi and Miami Indians were still in possession of more than half the land. County governmental units had increased from 15 to 64, with 27 still to be organized. Farming was the principal means of livelihood, but in the towns one found a goodly representation of business and professional men.

The rivers were still the main avenues of commerce. Although the principal towns were linked together with a system of roads, they were for the most part unimproved. The Wabash and Erie Canal, extending from Lake Erie to the navigable portion of the Wabash River, and the Michigan Road, extending from Lake Michigan to Madison on the Ohio River, had been begun by the state with the aid of Federal land grants. The National Road was being built through the state with Congressional appropriations,

Little progress had been made in the development of a public school system although a state college was in session at Bloomington. Many of the counties had established seminaries, but at the local level the holding of a school depended upon the residents of the district. Some churches had been built in the towns, but the religious needs of the people were still largely met by circuit-riding preachers and missionaries.

The General Assembly was still meeting in the Marion County Courthouse. Its membership had increased from 40 in 1816 to 105 in 1831 (75 in the House and 30 in the Senate). The legislators and state officials were still receiving the same compensation accorded them in 1817, though their duties and responsibilities had greatly increased. The State was out of debt and the revenue of $37,000 received for 1831 was sufficient to meet the expenses of the state government.

The first steps toward the erection of a State House had been taken during the last year of Governor Ray's administration. The cost of this was to come from the proceeds of the sale of the four sections reserved to the state in 1816 for the location of the seat of government. A law of 1831 authorized the agent of state to lay out the remainder of the Indianapolis donation into lots and to offer these for sale. Another act authorized James Blake to purchase the stone and offered a premium for the best

architectural plan presented.[55] The following General Assembly selected the one submitted by Ithiel Town and A. J. Davis, architects of New York City. It was in the Greek style, modeled on the Parthenon, except that a large Roman dome rose from the center of the building. The building was completed at a cost of approximately $60,000 in time for the meeting of the legislature in 1836.

The National Scene

The six years of Noah Noble's governorship were destined to bring a number of significant changes to the state. Some of these were a part of the national development or the result of forces beyond the boundaries of the states; others stemmed from local needs.

Whereas the decade of the 1820's was marked by discontent, born of the hard times, the early 1830's were characterized by a feeling of optimism. Americans were glorying in their separation from "monarchical" government. Liberty and equality had become a reality to them. There was a new awareness and comprehension of the unlimited resources that lay at their command and a new confidence in their ability to utilize these resources. State legislatures were the scene of great activity and debate. Important fields of legislation included education, law and order, taxation, formation of new counties, internal improvements, banking facilities, and currency.

President Jackson was determined to remove the Indian population beyond the Mississippi as fast as possible; in Indiana as well as in other states he pressed the Indians to sell their land and accept the government proposal for their removal. As soon as the Indians moved out the surveyors moved in to prepare the land for future sale by the government. Immigrants poured into Indiana from the East and from the older states of the West. As the lands were taken up, new counties were organized and civil jurisdiction extended. More settlers meant a surplus of agricultural produce, and this in turn called for better transporta-

[55] *Laws of Indiana,* 1830-31 (special), pp. 82-84, 153-54.

tion facilities if the farmer was to realize any profit from his labors. The capital needed to finance internal improvements was a scarce item in the West and therefore would have to be obtained from the East and from Europe.

The session of Congress which opened the same month that Noble became governor was outstanding for its debates on the United States Bank, the tariff, and the public lands.[56] The charter of the United States Bank was not due to expire until 1836. President Jackson had questioned its constitutionality in his first message to Congress, and remarked that it had failed to establish a uniform and sound currency. Two years later the friends of the Bank decided to bring the matter to an issue by applying for a renewal of the charter, believing that the President would not be as apt to veto it before the presidential election as he would afterward. Henry Clay led the fight for the recharter bill in the Senate. Members of the two political groups were divided on the question. Jackson gave as the reasons for his veto, which came on July 10, 1832, that the Bank was a monopoly, that much of the stock was held by foreigners, and that the bill to recharter it was unconstitutional. The veto led some of his followers to desert him, but the rank and file remained loyal. The Indiana legislature had requested that one or more branches of the Bank be established in that state. The veto threw back upon that body the responsibility of providing a circulating medium and other banking facilities for its citizens.

There was dissatisfaction with the tariff act of 1828, both among the friends and enemies of protection. No general revision was undertaken until the session of 1831-32. Clay was the leader of the protectionists as he was the champion of the Bank, and here again the fight was not along party lines. However, those who were enemies of the tariff were not necessarily those who were enemies of the Bank. The act passed at this session levied higher duties on cotton goods, woolens, and iron, and low-

[56] For a discussion of Congressional action on these issues and the views of the President, see William O. Lynch, *Fifty Years of Party Warfare (1789-1837)* (Indianapolis, 1931), 375-425, and Claude G. Bowers, *The Party Battles of the Jackson Period* (Boston and New York, 1922).

ered the duties on raw materials and on goods used extensively but not produced in the United States. Most of the opposition to it came from the slave-holding states and from New England, the former because it established protection as a permanent policy, and the latter because it did not offer sufficient protection. The President approved the measure.

Another question discussed at this session was the public lands. The act of 1820 was still in effect, by which lands were sold to the highest bidder at land sales, and those that remained were offered at the minimum price of $1.25 per acre. Among the various proposals before the Congress were those for a graduation of the price of lands according to their value (advocated by Senator Benton), the distribution of the proceeds from the sale of the lands to the states (advocated by Senator Clay), and the transferral of the land to the states wherein it was located for a reasonable price (advocated by Vice-President Calhoun and Secretary of the Treasury McLane). A bill passed the Senate embodying a modification of Clay's proposal, but the House postponed consideration until the following session. Governor Noble's reference in his message of December, 1832, to the vote of the Indiana delegation on the bill aroused a storm of protest and brought the question home to Indiana where the merits of the various proposals were debated pro and con for several years.[57]

Noble's correspondence with the Indiana delegation in Congress indicates that he was on fairly good terms with all of them except Ratliff Boon and Amos Lane. In 1832 there were three Congressmen, Boon, John Carr, and Jonathan McCarty, all elected as Jackson men (McCarty later changed sides). In 1833 the representation was increased to seven—Boon, Carr, John Ewing, Edward A. Hannegan, George L. Kinnard, Lane, and McCarty—all Democrats except Ewing. John W. Davis, a Democrat, replaced Ewing in 1835. In 1837 Ewing was re-elected; William Graham, George H. Dunn, and Albert S. White, all Whigs, replaced Carr, Lane, and Hannegan. McCarty lost to Rariden, another Whig, and William Herod, a Whig, succeeded

[57] See, for example, below, 146n-47n, 157-58, 161-63, 166-68, 170, 283-85.

Kinnard who had died. By this time, however, Noble's administration was coming to a close. John Tipton and William Hendricks represented the state in the United States Senate during most of Noble's administration; with both of them he was on friendly terms, though most of his correspondence seems to have been with Tipton.

A great number of resolutions and memorials were sent to the Congressional delegation from the General Assembly. Some of these were mere expressions of opinion; some sought their help in obtaining legislation; and others gave definite instructions. The vote of the Indiana delegation on Clay's land bill, mentioned above, received perhaps the most attention. An attempt to instruct the senators to vote for Richard M. Johnson for vice-president in 1837, when the election was thrown into the Senate, was voted down.[58] In the Congressional correspondence most of the letters are from the Congressmen to Noble. They reveal their attitude toward the political situation in Indiana and toward the measures before the General Assembly. It is unfortunate that so few letters of Noble to members of Congress have survived.

First Administration

In his inaugural address to the General Assembly, Governor Noble first sought to unite the members on a common ground, above the political issues of the day, by discussing the importance of educating the youth of the state. Most of Noble's generation had received their education in other states before coming to Indiana, but what about their children? The responsibility for their schooling rested in large part upon the legislators. Noble voiced the general feeling that educational opportunities should be provided not just for a few but for all young people if the free institutions of the United States were to endure.[59]

A year later he tried to impress the importance of the subject upon the legislators by asserting that the future usefulness of not less than 100,000 children depended upon the opportunities offered

[58] See below, 466n.
[59] Message of 1831, below.

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them for an education. "If they receive it, they can succeed us in the professions, arts, sciences, commerce, and agriculture, and safely take upon themselves the charge of self government, continuing our institutions, with such improvements as the lights of experience may point out. Without this . . . it will be their fate to see others, whose ancestors were more faithful, reap the rewards of enterprize and enjoy the honors and emoluments of office; or what would be still more humiliating and reproachful to us, they may, for the want of a knowledge of the principles of our government, not fully appreciating its blessings, become instruments in the hands of demagogues and tyrants, to dishonor its character or change its form."[60]

In a later message he took cognizance of the common complaint that it was necessary to hire transients as teachers because local residents were not prepared, by suggesting the establishment of a seminary for the preparation of teachers, perhaps in connection with the Indiana College.[61]

Although acknowledging that the resources of the state were insufficient at that time to make the means of education available to every child, he argued that this was no reason for failing to go ahead and to accomplish as much as possible. He sought new sources of revenue for the local schools and suggested improvements in the collection of that already allocated by law.[62] Realizing the value of an aroused public opinion in support of schools, the Governor took a prominent part in various meetings called by the citizens of the state to promote the cause of education and accepted leadership in the organizations that grew out of these meetings.[63]

Noble's efforts to improve the educational picture at the common school level were of little avail. A new school law was passed in 1832 but it still left control completely decentralized. An attempt

[60] Message of 1832, below.

[61] Message of 1833, below.

[62] Circular of July 15, 1834, below.

[63] Noble's daughter Catherine attended a private school in Indianapolis kept by Ebenezer Sharpe and then was sent to the boarding school at New Harmony kept by Jane Owen Fauntleroy, daughter of Robert Owen. Receipt, 1827-30, in Noble Papers.

made during the 1836-37 session to create a state board of education and provide for a degree of uniformity failed in the Senate by a vote of twenty-seven to fifteen.[64] At the higher level, a number of private and church-supported schools were organized during this period. Several of these offered work for prospective teachers. Noble gave his support to the improvement and strengthening of the state college, believing that it should occupy a place of pre-eminence above the private and church-supported schools. The codification of the school laws accomplished toward the end of his administration was a step toward a better educational system.

In his election circular Noble had described the state militia system as a failure, and went on to show how wasteful it was to call 50,000 citizens from their work three days each year for virtually useless training. He reiterated this idea in his first message to the legislature, and pointed out that the only remedy was for the Congress to take the subject in hand and adopt some general system that would lessen the burden by reducing the number required to take the training and by equalizing the service throughout the United States. He still wanted the militia to be under the control of the state, however.[65] Memorials and appeals sent to Congress embodying these recommendations proved of no avail.

In 1832 it was feared that the Indian uprising in Illinois led by Black Hawk might spread to the Indians of Indiana. Governor Noble acted quickly to call into service the militia in the northwestern counties for patrol duty and sent three companies from central Indiana to the northern frontier. Neither of these groups encountered any hostile Indians and the danger was soon over. The threat caused a flurry of excitement at the time and for a few weeks at least militia service acquired a new significance. After that it became a routine affair again. In some of the northern counties the militia were called out to quell an Irish riot, and were present at treaty negotiations with the Indians and at Indian payments, In 1838 they were to be used in removing the Indians from the state.

64 *Senate Journal*, 1836-37, pp. 181-85, 377, 413-14.

65 Message of 1831, below.

Turning to a more partisan topic, Noble asserted that the prosperity of the country and state depended on the prosecution of Clay's American System, including Federal aid for internal improvements, creation of home markets by protection of domestic industry and enterprise, and establishment of a sound, uniform, and equal currency. His suggestion that the legislators express their approbation of the "System" aroused the ire of a portion of the members of the General Assembly. In spite of their protests, the Senate passed a joint resolution instructing the Senators and requesting the representatives in Congress to use their influence to secure Federal appropriations for improving main highways and the navigation of streams, to oppose any alteration of the tariff law, and to secure an extension of the charter of the Bank of the United States. The resolution was tabled in the House by a vote of thirty-nine to thirty-two.[66]

Noble expected the state to do its share in improving its rivers and building roads and canals to facilitate the conveyance of the various commodities of the state.[67]

Regarding the subject of state rights, which was much in the news and thinking of the people at that time because of South Carolina's refusal to abide by the tariff act of 1828, the Governor said he had no fear of Congress infringing on the rights of the states, but promised to keep a watchful eye for any encroachment upon the rights reserved to the state by the Federal Constitution. "In the integrity of the Union consists our glory and strength," he declared, "and upon its continuance depend our peace, prosperity and happiness."[68]

On at least one point the Governor was in full agreement with President Jackson, that was the speedy extinguishment of the Indian title to lands north of the Wabash River and the removal of the Indians from the state. The situation in Indiana was especially serious inasmuch as the Indians had sold their land along the northern border in the 1820's, settlers had moved into the area, and counties were being organized. Noble pointed out that the

[66] See below, 62-63n.
[67] Message of 1831, below.
[68] *Ibid.*

intervening Indian lands made it difficult to extend civil jurisdiction and protection to this area. Also, it was difficult to keep the settlers from encroaching on Indian land and taking advantage of the Indians in the matter of trade.[69]

The situation was somewhat eased in 1832 when the Potawatomi sold the greater part of their holdings to the government, leaving only a number of reserves in Indian hands. Both the Miami and Potawatomi hung tenaciously to their reserves, refusing to give them up and remove west. Noble asked the legislature to consider the advisability of extending a portion of the state laws over the Indians in order to prevent murders among them, prevent criminals from finding a refuge in Indian territory, and protect the surrounding settlements. After due consideration, the members felt that it could not be too long before the Indians would be removed and pending that time a more rigid enforcement of existing laws would take care of the situation.[70] It was not until after Noble had ceased to be governor that there were any major Indian migrations.

By the time Congress assembled in December, 1832, Jackson had been re-elected as President and Martin Van Buren had been chosen to succeed John C. Calhoun as Vice-President. South Carolina's hostility to a protective tariff had not been assuaged by the revisions made in the tariff at the previous session, for although the new act lowered the duty on some items, it proclaimed protection as a permanent policy of the government. An ordinance of nullification, by which the tariff laws of 1828 and 1832 were declared null and void within the boundaries of South Carolina, was adopted in a convention of the people of that state on November 19. This was denounced as rebellion and treason by President Jackson. Before the ordinance of nullification was put into effect a compromise tariff bill was enacted. Clay and Calhoun, who had been elected to the United States Senate, both made concessions and joined forces in support of the compromise measure.[71]

69 Message of 1831, below.
70 See below, 139-41n, 199-200n.
71 Lynch, *Fifty Years of Party Warfare,* 426-44.

Clay brought his bill for the distribution of the proceeds from the sale of the public lands before the United States Senate again in December, 1832. It passed both houses at this session but was pocket vetoed by the President. During the summer of 1833 Jackson determined to continue his war against the United States Bank by removing the government deposits from it. Some of his closest friends and members of his cabinet were opposed to this action; after dismissing one secretary of the treasury and appointing another that was more amenable, the order for the removal of the deposits was signed September 26, 1833. Collectors of revenue were instructed to cease making deposits of incoming funds, thus providing for a gradual withdrawal.[72]

Nicholas Biddle, the head of the Bank, sought to fight back by issuing an order to the branches to curtail their loans. This would hurt business and bring pressure on Congress to force a withdrawal of the order. The following session of Congress witnessed a tightening of the bonds between the anti-administration groups as they battled the President on the bank issue. A resolution of censure passed the Senate which was termed by the President an unconstitutional impeachment. Efforts to have the resolution expunged from the pages of the Senate Journal were unsuccessful until shortly before Jackson left the presidency. A great number of petitions and memorials were also forwarded to the President from all parts of the country asking a withdrawal of the order, but he refused to yield. The banks selected as public depositories received the dubious epithet of "pet banks." State banks were slow to accept the deposits, but a number of them finally did including the Indiana State Bank which was chartered in 1834.

The President's determination to bring to an end the career of the United States Bank brought home to Indiana more forcibly than heretofore the need for a bank of its own. For although none of the branches of the United States Bank were located in Indiana, the branches at Cincinnati and Louisville offered convenient banking facilities. In December, 1832, Governor Noble raised the question as to whether it would be practicable to establish a state bank.

[72] *Ibid.*, 448-66.

He did not urge the establishment of a bank in his message, apparently preferring to leave the matter to the judgment of the members of the General Assembly. He did warn that if they created a bank, they should so "guard the necessary grants of corporate powers," as to "secure the public against their abuse, and preserve unimpaired the credit and integrity of the state."[73] Bills were introduced in both the House and Senate to create a bank. The House bill provided for a principal bank with branches that would have been in effect independent corporations. Senator Calvin Fletcher believed that some of its provisions rendered it unconstitutional while in other respects it was dangerous to the future prosperity of the state. When some of his fellow members suggested that he absent himself from his Senate seat so that they could pass the bill, he resigned in protest. The two houses failed to come to an agreement on their respective measures and the creation of a bank was postponed until the following session.[74] The Lawrenceburg *Palladium* (issue of February 23, 1833) attributed this failure to "the management of some, the treachery of others, and, we much fear, the timidity of all." The paper predicted that those who voted against the bank bills would not be re-elected.

At the opening of the following session, Noble did not show any enthusiasm for a bank, but advised the members of the Assembly to carry out the will of the people. The *Palladium* considered this a reflection of the weakness of the Governor, that instead of being a leader of the people he was content to follow them, whether they be right or wrong.[75]

The Assembly went speedily to work to iron out the objectionable and unconstitutional features of the previous bills, with the result that a State Bank was created by an act of January 28, 1834. The provisions of the charter proved to be carefully drawn. The state was divided into ten districts with a bank in each district; others could be added later. The head office was at Indianapolis but there was no parent bank; the ten branches were on

[73] Message of 1832, below.

[74] See below, 211n.

[75] Message of 1833, below; Lawrenceburg *Palladium,* quoted in *Indiana Democrat,* December 14, 1833.

an equal basis and together they comprised the State Bank. Each had its own capital and officers and each paid earnings to its stockholders. The president and directors were for the most part officers of the participating banks and together they exercised a supervisory authority. The branches mutually guaranteed the deposits and circulating notes of each other. Being responsible for each other's losses had the effect of making each bank keep a watchful eye on its neighbors. The supervisory structure provided a means of enforcing the will of the group on any member that might get out of line.[76]

Capital of the State Bank was set at $1,600,000, to be equally divided among the ten branches; one half of this was to be subscribed by the state, the other half by individuals. Individual subscribers paid $18.70 in cash on each $50.00 share, with the state lending the balance and taking freehold security of double the value of the loan. To obtain the necessary funds the state borrowed $1,300,000 in the East. There were certain restrictions such as prohibiting the banks from issuing notes of less than $5.00 denomination; limiting debts to twice the capital stock; and limiting loans to one and one fourth the amount of capital.

Opposition to the bank was expressed by a veteran legislator: "When Governor Noble was placed in the executive chair our state was clear of debt, her coffers were full to overflowing. Our people were industrious, economical, prosperous, contented and happy— But if I am not greatly deceived, by the time his present term shall have expired, the state will be involved for millions, our people overwhelmed in debt, and their estates perhaps mortgaged to the Bank or to the state and ultimately their contentment and happiness will become greatly impaired, and their habits of industry will, I fear, become the governing policy of too many of our citizens—as it seems to have been the prevailing principle of too many of our politicians—for surely nothing less than the most unguarded extravagance could have ingendred the Idea that it

[76] *Laws of Indiana,* 1833-34, pp. 12-38; Logan Esarey, *State Banking in Indiana 1814-73 (Indiana University Studies,* No. 15, Bloomington, 1912), 243-57; Carter H. Golembe, "Origins of Deposit Insurance in the Middle West," in *Indiana Magazine of History,* 51(1955):113-20.

would be beneficial for the state to borrow money to loan to her citizens—to induce them to become stockholders in a Bank, and thereby to influence them to abandon the habits of industry and economy, by which they have hitherto decently supported themselves and families. . . ."[77]

Some changes were made in the charter by the succeeding legislatures, such as increasing the capital, liberalizing the lending policy, and allowing payment of interest on deposits. The first real test of the strength of the bank was to come in 1837, of which more will be said later.

Second Campaign for Governor

Under the 1816 Constitution the term of governor and lieutenant governor was three years. It was apparently assumed that Noble would run for a second term as an anti-Jackson man, and he had served only two years when the campaign to defeat him began. A Democratic convention was called to meet on December 9, 1833. James G. Read was again the choice for governor and David V. Culley, of Lawrenceburg, was selected for the second place on the ticket.[78] David Wallace ran again with Noble.

Both Read and Noble had covered the state rather thoroughly during the previous campaign and given the people an opportunity to see and hear them. Early in January, 1834, Noble suggested to Read that during their second campaign they travel together and hold joint meetings, on the assumption that more people would be likely to come out to hear both of them; or, if Read was willing, they would both stay home and leave it to the people to make a choice without the benefit of campaign speeches. Read accepted the latter proposal with certain reservations, but by April each candidate was accusing the other of breaking the agreement and making unauthorized appearances here and there over the state. Fearful that the other was gaining an advantage, each

[77] David Robb to Elisha Embree, February 7, 1834, Embree Papers, Indiana State Library. Robb had represented Gibson County in the legislature at various times since territorial days; he was register in the La Porte Land Office at this time.

[78] Indianapolis *Indiana Journal,* October 12, December 4, 11, 1833.

apparently abandoned the compact and took to the road. Sometimes they spoke at the same meeting, and sometimes separately.[79]

Although the presidential campaign was still two years ahead, the question of who should succeed Andrew Jackson was being widely discussed. Martin Van Buren, the most likely candidate, was not a general favorite among westerners. Democratic Richard M. Johnson, of Kentucky, was the choice of many in Indiana.[80] Noble was friendly to this Johnson faction, hoping to win their support in his campaign. In many of their speeches both Read and Noble raised the "no party" banner and sought votes on their individual merits and personal popularity.[81]

Some members of Indiana's Congressional delegation worked openly for Noble's defeat.[82] So far as issues were concerned, Read expressed himself as favorable to the Wabash and Erie Canal, to Jackson's bank veto, and to a reduction in the price of public lands.[83] On July 15, Noble issued a lengthy circular summarizing the record of his first term and his views. A great deal of space was devoted to the public land question and the benefits that might be expected to accrue to the state under the various proposals before Congress.[84]

Noble argued that a reduction in the price of the land would benefit for the most part those individuals who were not landowners and who had recently or were soon to move into the state. Too, he pointed out that proposals to reduce the price had been debated without success for more than five years; while this was going on, millions of dollars were being drawn from the West and expended in the East, leaving the West without either money or cheaper land. A distribution of the proceeds to the states would

[79] *Ibid.*, June 21, July 26, 1834; Indianapolis *Indiana Democrat*, July 25, 1834.

[80] See, for example, John Ewing to Noble, March 27, 1834, and William E. Talbott to Noble, June 27, 1834, printed below.

[81] Statement of Jeremiah Stillwell, June 5, 1834, and Noble to the Public, July 26, 1834, both printed below; Indianapolis *Indiana Journal*, April 19, 1834; Indianapolis *Indiana Democrat*, June 13, 1834.

[82] Ewing to Noble, March 27, 1834, Noble Papers.

[83] Indianapolis *Indiana Democrat*, June 7, July 25, 1834; Covington *Constellation*, August 1, 1834.

[84] The circular is printed below.

benefit those who had helped to build up the states. Read replied to Noble in a circular of his own on July 25.[85]

The two candidates battled until the day of the election, August 4. When the votes were counted, Noble had received 36,773 as against 27,257 for Read; Wallace outran Noble and received 38,019 votes as against 20,364 for Culley.[86]

The Democrats, claiming the majority of the voters of the state, said that it was only through defection of some of their own number that Noble's election was possible.[87] Henry Clay sent his congratulations, citing the result as "gratifying" and "decisive." He described the course Noble had followed in relation to the presidential campaign as "both judicious and conformable to the general understanding among the Whigs previous to the adjournment of Congress. It was deemed best to designate no Presidential candidate until after the Fall elections, so as to combine the whole strength of the entire opposition against the admin[istration] and against Mr. V. Buren."[88]

By the fall of 1834 Whig presidential candidates were blossoming out in a number of states. These included John McLean, of Ohio; Hugh L. White, of Tennessee; William Henry Harrison, of Ohio;

[85] Printed in the *Indiana Democrat* of that date. See also in this issue the editorial comment on Noble's circular.

[86] The totals are compiled from the official election returns of the sixty-nine counties of the state in the Archives Division. As in the election of 1831, the tally of the vote by the General Assembly did not include all the counties. The totals reported in the *House Journal* were: Noble, 27,676; Read, 19,994; Wallace, 29,451; Culley, 14,260.

[87] *Indiana Democrat,* August 8 and 15, 1834, quoted below, 300n, and *ibid.,* October 21, 1835. The Connersville *Watchman* of August 22, 1834, denied that the results were indicative of the feeling of the state relative to President Jackson. There were thousands, it contended, who voted for Noble who would at the same time have voted for Jackson had he been before them for a second term. Neither did they believe that the election represented any expression of the merits and demerits of Van Buren, for many who voted for Read would have preferred McLean, of Ohio, to Van Buren. The editor ended his comment with the statement, "The people of this State have never been drilled to wear the collar of party." The *Indiana Journal* of September 12 said that although Noble may have stated a preference for Johnson as opposed to Van Buren, he never "linked his fortunes with Johnson nor committed himself to support him against other competitors."

[88] Clay to Noble, September 8, 1834, below.

Willie P. Mangum, of South Carolina; and Daniel Webster, of Massachusetts. No one stood out as prominently as Clay had done in 1832. There was little doubt about the choice of the Indiana Whigs; as their first territorial governor and the hero of the Battle of Tippecanoe, Harrison held a warm place in the hearts of many Hoosiers and it was easy for them to rally around his banner. Noble's correspondence reveals nothing about the presidential campaign. When the votes in Indiana were counted, Harrison had received a total of 42,281 to 32,476 for Van Buren, but the latter carried the election.[89] Richard M. Johnson had ended up as Van Buren's running mate on the Democratic ticket. The vice-presidential election was thrown into the Senate. Indiana's friendship for Johnson was demonstrated when her senators voted for him rather than for Francis Granger, the Whig candidate.[90]

The local elections for members of the General Assembly were especially important in 1836, for that body would have the task of electing a United States senator to succeed William Hendricks. Noble had avowed in 1831 that the office of governor should not be used as a stepping stone to a higher office, and promised, if elected, not to accept another office at the hands of the legislature during his term of governor. He did not repeat this promise in 1834, and two years later let it be known that he would like to succeed Hendricks in the United States Senate. Other candidates besides Hendricks were Ratliff Boon and Oliver H. Smith. Following the local elections in August, both parties claimed a majority on joint ballot in the General Assembly. The Jackson members accused Noble of breaking his pledge not to seek another office. When they found that they could not elect Boon or Hendricks, they turned their strength to Smith who was elected on the ninth ballot.[91]

Second Administration

The outstanding items of legislation passed during Noble's second term concerned taxation and internal improvements.

89 Stanwood, *History of the Presidency,* 185.
90 *Ibid.,* 187; *Congressional Debates,* 24 Congress, 2 session, 738-39.
91 *House Journal,* 1836-37, pp. 36-38; *John Tipton Papers,* 3:319-20.

Prior to 1836 the revenue of the state for the ordinary expenses of government was drawn from a tax on land and a poll tax. Lands were divided into three grades and designated first, second, and third rate; assessments were made without regard to improvements. The rates varied from time to time; by an act of 1831 they were 80 cents for 100 acres of first-rate land, 60 cents for second rate, and 40 cents for third rate. The poll tax for state purposes was 37½ cents for each male between the ages of 21 and 60, with certain exemptions.[92] The revenue collected under the two taxes in 1831 was approximately $37,000.

The following year the state auditor made a report to the General Assembly on the amount of first- second- and third-rate land listed for each county and also the number of polls. The totals for the state amounted to 322,185 acres of first-rate land; 2,340,034 acres of second rate; and 1,387,527 acres of third rate. The total number subject to poll tax was 82,360.[93] At the above rates and without considering exemptions, the tax on the land should have brought a revenue of $22,166, and the poll tax, $30,885. Tax collectors were allowed 9 per cent of the sums collected for state purposes.[94]

Additional revenue for the state came from the following sources: $700 annually from the state prison superintendent according to the contract under which the prison was farmed out in 1831; proceeds from the sale of the seminary lands (these proceeds were, in turn, lent and the interest given to the trustees of the Indiana College); proceeds from the sale of the four sections granted the state at the seat of government (these were devoted to the erection of the necessary state buildings); proceeds from the lease of saline lands, or after 1833 from their sale; and lastly, the Three Per Cent Fund (3 per cent of the receipts from the sale of public lands within the state), which was used for the construction of roads and canals and the improvement of the waterways within the state.

92 *Revised Laws of Indiana,* 1831, pp. 425-26.
93 *House Journal,* 1832-33, pp. 59-60, 193-94.
94 *Revised Laws of Indiana,* 1831, p. 441.

County government was supported by a poll tax, license fees on stores, taverns, and ferries, an additional tax on land, and taxes on town lots, horses, watches, clocks, and carriages used for pleasure. The rates varied from county to county and were established by the boards doing county business.

Noble did not make any recommendations regarding taxation until 1833 when he said the assessment was defective, unequal, and unnecessarily expensive in administration. Some of the counties were returning a large proportion of first-rate land while others returned very little, and much was not listed at all.[95] A year later he advocated abandonment of the old method and the introduction of the ad valorem system by which invested capital, real estate, and personal property would be taxed according to its value. This plan, he believed, would provide a more equitable tax system. He had hesitated to recommend it earlier, he said, because of the disparity in the value of real estate in the old and new districts of the state, but had come to believe that the disproportion did not exist to the extent supposed.[96]

The members of the General Assembly were divided on the question of adopting the new method but finally passed an act on February 7, 1835, incorporating the Governor's recommendations.[97] Assessments on the new basis would not go into effect for a year, pending the making of a schedule of property of all kinds in the state. The subject was thus brought before the people and they still had the opportunity to reject it through their representatives at the following session. Most of the provisions of the 1835 act were incorporated in a new act passed the following year.[98] The rate of assessment for state purposes for 1836 was set at five cents on each $100 of valuation. This was increased to fifteen cents a year later, one third of which was to go toward paying the interest on the internal improvement bonds.[99] The poll tax was

95 Message of 1833, below.

96 Message of 1834, below.

97 *Laws of Indiana,* 1834-35 (general), pp. 12-22.

98 *Ibid.,* 1835-36 (general), pp. 25-35.

99 *Ibid.,* 1836-37 (general), pp. 110-13.

raised to fifty cents for each male between the ages of twenty-one and fifty.[1]

Internal Improvements

To most students of Indiana history the name of Governor Noble is synonymous with internal improvements. It is quite true that construction of roads and canals and the improvement of natural waterways were of prime importance during his administration. From the time of his first announcement as a candidate for governor to his last message to the General Assembly, Noble gave vigorous support to "internal improvements."

The state had accepted the Federal land grants and pledged itself to the construction of the Wabash and Erie Canal and the Michigan Road during Governor Ray's administration. After many heated debates on the location of the latter, the construction proceeded at a satisfactory pace. The main difficulty seemed to be that the road required continual repair.

The canal was begun at Fort Wayne in 1832. A great many problems remained to be solved in connection with it. Most pressing was an arrangement with Ohio regarding the portion to be built in that state. The land for its construction had been granted to Indiana: it either had to be turned over to Ohio or Indiana would have to build the canal through that state. The two states adopted the first alternative. Only a tentative route through Ohio had been surveyed pending removal of the Indian tribes in this area. This was accomplished in 1832. The land was then immediately surveyed and offered for sale before the canal reservations could be established. Noble wrote to the entire hierarchy of land office officials and then to the Secretary of the Treasury before he was able to obtain a postponement of the land sales in the vicinity of the proposed canal route.[2]

Pending sale of the Indiana canal lands, money was borrowed in the East in aid of construction. A board of three Canal Fund commissioners was created to handle the financial arrangements.

[1] *Laws of Indiana*, 1835-36 (general), p. 33.
[2] See below, 177-78, 182-85, 188-90.

These were in addition to the canal commissioners who handled the surveys and construction. Laborers were imported from other states and from foreign countries. Labor camps were set up along the canal line. Landowners platted towns along the canal route, hoping that they would become future county seats; mills were built to use the anticipated water power. In the midst of all this activity, the Indians were still occupying choice reserves and pursuing their own way of life. Disgruntled Indians and impatient white men did not always mix well, and the canal's predominantly Irish labor force was always ready for a brawl. Despite the explosive possibilities of the situation, remarkably few outbursts occurred.

The original idea was to build the canal only as far as the mouth of the Tippecanoe River; from this point the Wabash River was navigable most of the year. A movement was soon on foot to extend the canal to Lafayette, and then on to Terre Haute. In the end it was built clear to Evansville on the Ohio River.

At the same time that construction was proceeding on the canal, plans were going forward for improving the navigation of the Wabash River, especially the portion below Vincennes. The anticipated help from the Federal government was denied when President Jackson pocket vetoed the harbors and rivers bill in the summer of 1832.[3] Senator John Tipton did not let the matter rest but continued to press for Federal aid. A second bill was vetoed in the summer of 1834; at the two following sessions the Senate passed bills carrying appropriations for the Wabash River but they were lost in the House.[4] While awaiting favorable action in Washington, Illinois and Indiana joined forces and made some progress with the limited funds appropriated by the two states.

The principal source of money available for local improvements was the Three Per Cent Fund. It was received semiannually from the Federal government and allocated to the counties.[5] Road work

[3] *Niles' Weekly Register,* August 11, 1832 (42:428-29). The bill carried an appropriation of $20,000 for improving the navigation of the Wabash River.

[4] *John Tipton Papers,* 3:85-87, 93n.

[5] A report made by the state treasurer in December, 1835, showed the amounts appropriated from the fund to the various counties under different acts and the unpaid balances on these appropriations. A year later

in the state, exclusive of that on the Michigan and National roads, had been financed with these subsidies, plus limited county appropriations. A specified number of days of road work was required of each adult male. Unfortunately the money in the Three Per Cent Fund had been spread so thin that little permanent good had been accomplished. By 1832 the 3 per cent of the receipts from land sales in Indiana amounted to an annual sum of between twenty and twenty-five thousand dollars. Instead of continuing to hand it out piecemeal, Noble suggested in 1833 that the state borrow $100,000 to $150,000 over a fifteen-year period in anticipation of the amount that might be expected to accrue in the fund during that time. With this amount substantial progress might be achieved toward providing a system of highways. A bill was introduced to this effect but failed to pass.[6]

That same year Noble suggested the creation of a board of internal improvements that could collect and digest information regarding costs, routes, advantages and disadvantages of railroads in comparison with canals, etc. Or, if preferred, two or more state officials might collect and digest such information. This, too, was rejected by the General Assembly.[7] Lack of action on the part of the legislature led to the incorporation of a number of private companies to build roads, railroads, and bridges.

By the time Noble began his second term, public sentiment was mounting in favor of an extensive state program of internal improvements. The surplus produce created by the increased population made better means of transportation imperative. Noble pointed to the experience of other states and the benefits they were reaping from their canals and other improvements, and to the fact that Indiana's credit was sufficiently good to permit her to borrow the capital needed. He felt that the time had come to act if the state was to maintain its relative position among the neighboring states. "The wealth of a state or nation does not consist of sums hoarded

a report was made showing the amounts appropriated for each road and river in the state, including the Wabash River. *Documentary Journal,* 1835-36 [No. 6]; *Senate Journal,* 1836-37, pp. 211-15.

[6] Message of 1833, below.

[7] *Ibid.*

in the treasury," he said, "but in the wealth of its citizens and their ability to pay when the exigencies of government make contributions necessary."[8]

Considerable enthusiasm was manifested among the members of the Assembly in the 1834-35 session for embarking upon a general system of improvements, but sectional difficulties caused the tabling of the measure. The bill that was finally agreed upon provided for the survey of a number of routes for roads, railroads, and canals. The information provided by these surveys would enable the following Assembly to act more wisely in the choice of routes and the means of transportation best adapted to the topography. The expense of the surveys was to be borne by the Wabash and Erie Canal Fund.[9]

An agent was sent East to recruit engineers; a number were obtained and placed under the general supervision of Howard Stansbury, who was lent to the state by the United States Topographical Bureau. By the summer of 1835 a number of surveying parties were at work in various parts of the state.

In December, 1834, and again a year later Noble repeated his suggestion that the state borrow money in anticipation of the sums to be received by the Three Per Cent Fund, but on both occasions the legislature rejected the idea.[10] By December, 1835, the internal improvement fever had reached a high pitch in the state. Wherever men got together, it was the general topic of conversation. The construction of roads and other means of transportation had lagged far behind the growth in population. With the information at hand from the many surveys, it was felt that the Assembly was in a position to act with wisdom. Whereas Governor Ray had favored railroads over canals, Noble took the opposite position on the ground that canals were cheaper, they were more permanent, and better adapted to the convenience and habits of the people and the character and products of the state. Other arguments brought forth were that most of the railroad equipment would have to be purchased outside the state and railroads were monopo-

[8] Message of 1834, below.
[9] *Laws of Indiana,* 1834-35 (general), pp. 25-30.
[10] Messages of 1834 and 1835, below.

listic to the extent that only one company could operate trains on a track, while a canal was open to the boats of many companies or individuals.[11]

The Assembly passed on January 18, 1836, the most important act of Noble's administration, known as the Mammoth Internal Improvement bill.[12] It provided for a network of roads, canals, and railroads, for the construction of which the Canal Fund commissioners were authorized to borrow up to ten million dollars. Noble had recommended that provision be made for the payment of interest by increasing taxes 50 per cent. An attempt to include such a provision in the bill was defeated and the Assembly adjourned without making any provision for the payment of interest on the loan, other than to take it out of the money borrowed. Another grave error was permitting the purchase of bonds on credit.[13] These provisions, or lack of them, must have caused considerable uneasiness on the part of some, but for the state as a whole it was a time of jubilation. The main opposition to the bill came from those legislators who would have to go home empty handed because the projected improvements did not touch the counties they represented.

Supervision of the works was given to a Board of Internal Improvement consisting of the three canal commissioners and six members appointed by the Governor with the consent of the Senate. There was keen competition for the places on the board. At their first meeting, the work was divided so that each member became responsible for a certain project or projects. One can well imagine that Indiana presented a scene of activity as work got under way during the summer and fall. First, however, engineers had to be hired (which was not an easy task), specifications had to be drawn for various types of work, contracts advertised and let, and laborers hired before construction could begin.

In December, Noble reported to the Assembly on the progress

[11] Message of 1835, below.

[12] *Laws of Indiana,* 1835-36 (general), pp. 6-21.

[13] Governor Samuel Bigger in 1841 cited these two omissions as the principal weaknesses of the internal improvement act. *Senate Journal,* 1841-42, p. 18.

that had been made and warned that the profuse disbursement of public funds might create an appearance of prosperity and cause the people to spend beyond their means and contract debts. Then when the time of settlement arrived, they would be without means and would complain of the heavy burden of debt in which the legislature had plunged the state. To prevent this from happening, the Governor recommended that the people begin to pay for the internal improvements through an increase in taxation. In addition, he recommended that the Three Per Cent Fund and the surplus revenue, about to be distributed to the states by the Federal government, should go toward the payment of interest on the loan.[14]

Many proposals were submitted to the 1836-37 Assembly for improvement projects that had been omitted in the general bill of the previous session. All of these were turned down on the premise that the state had already undertaken all it could possibly do. By the spring of 1837 it was conceded, at least by some, that the state had not only undertaken all that it could do, but more. About four million dollars was spent the first year; in 1837 fewer contracts were let and expenditures dropped to $1,600,000. A system of priorities was advocated increasingly; that is, instead of working on all the projects at the same time, some should be suspended and others pushed to completion with the greatest possible dispatch. Otherwise it was feared that a total suspension might become necessary.

As Noble's administration drew to a close, he recognized the seriousness of the situation but was still optimistic about the ultimate success of the system. Though the sum spent in 1837 was less than the year before, he said it was sufficient to save the state from "the evils resulting from the prostration of prices and business in other portions of the country," The credit of the state was still good, in spite of the financial depression that had hit the

[14] The ad valorem tax was increased from five to fifteen cents on each $100 valuation of real and personal property, one third of which was to be applied toward payment of the interest on the internal improvement loans; also, the dividends received from that portion of the surplus revenue which was to be invested in state bank stock were to be used for this same purpose. No action was taken regarding the Three Per Cent Fund. *Laws of Indiana,* 1836-37 (general), pp. 3-14, 110-13.

country. He advocated classifying the works and extending the time for their completion.[15] Conditions continued to get worse, and finally in August, 1839, all work was suspended on state contracts. By this time Noble was a member of the Board of Internal Improvement which had the task of salvaging as much of the construction work as possible. Some of the projects were continued by private companies; some were abandoned completely. The Wabash and Erie Canal was completed by the state. This story and that of straightening out the financial obligations of the state belong to succeeding administrations.

The affairs of the Internal Improvement Board and those of the State Bank were kept separate as far as possible, yet their futures were inextricably bound together. Even at the height of the canal construction boom, there had been signs of economic collapse. Governor Noble had referred to them in his message of December, 1836. As early as April of that year Calvin Fletcher noted in his diary "the great danger of a *crash* engaging speculators & holders of real estate." He and another businessman agreed that it would come within eighteen months. In all parts of the country the prices of land and commodities were high; a rage for speculation prevailed. By 1837 symptoms of depression began to appear: pressure in the money market raised interest rates and stimulated wildcat banking in some states. Then in May came the suspension of specie payment by eastern banks, followed by a fall in commodity prices, in wages, and in real estate values. When word reached Indianapolis that the eastern banks had suspended specie payments, the directors of the Indiana State Bank had to choose between a possible forfeiture of the bank charter, if it followed the example of the eastern banks, and a certain ruin if they allowed all their specie to be withdrawn. They chose the first alternative and for their action immediately received a vote of confidence from the businessmen of Indianapolis. The principal creditor of the bank was the United States Government which had some $1,500,000 specie on deposit. James F. D. Lanier was dispatched to Washington with $800,000 in gold to see what terms could be made with the Secre-

[15] Message of 1837, below.

tary of the Treasury.[16] His mission was successful; the government allowed the deposits to remain until withdrawn in the regular course of business. When the legislature met in December, 1837, a thorough investigation was made of the affairs of the bank, after which the conduct of its officers was approved.

Early in his administration, Noble called to the attention of the General Assembly the frequent applications which were being made to the Executive to remit fines and forfeitures and grant pardons and reprieves. He advised a review of the penal code to determine whether the penalties inflicted for crimes were unreasonable and cruel.[17] The select committee of the House to which this portion of the message was referred reported that they found nothing cruel or unusual in the code, and further that it would be a violation of the principle of separation of powers for the legislative body to restrict the governor in his exercise of clemency.[18]

A full summary of Noble's use of this executive power has not been found, but a report covering the years 1834, 1835, and 1836 shows that in those years he pardoned twenty-seven or an average of nine a year. A list of the fines and forfeitures remitted from 1832 through 1836 (five years) totaled 273. In the estimate of the Assembly, Noble had not abused his power to grant pardons and remit fines but had used it "in conformity with the genius and spirit of our free institutions."[19]

Whereas Governor Ray's relations with the legislative branch of the government had upon several occasions been marred by disagreement and discord, Noble was able to maintain friendly and harmonious relations with the Assembly during his six years in office. He pointed to this in his final message and remarked that he had freely offered suggestions, some of which had been made the basis of legislation, while others had been regarded as inexpedient. This action, he claimed, had increased his confidence in the republican system of government which interposed the legislative branch between the Executive and the people.[20]

16 *Sketch of the Life of J. F. D. Lanier* (New York, 1870), 13-15.
17 Message of 1832, below.
18 *House Journal*, 1832-33, p. 533.
19 *Senate Journal*, 1836-37, pp. 99-100, 489-92.
20 Message of 1837, below.

As Noble's second term drew to a close it was natural that he should want to make certain that a Whig governor succeeded him. David Wallace had served as lieutenant governor during both of Noble's terms. There is nothing in either the Noble or the Wallace Papers that reveals anything of the relationships that existed between the two men. Wallace had moved to Covington in 1832 and it is likely that there was little contact between them except during the sessions of the General Assembly when the lieutenant governor presided over the Senate. Woollen states that Wallace excelled in this position: "His voice was good, his manner dignified, and his decisions just and impartial."[21] As an orator he is said to have had few equals, and this was at a time when many men were known for their eloquence. He no doubt excelled Noble as a speaker and on occasions when they both attended public celebrations, such as breaking ground for the Whitewater Canal, it was Wallace who made the principal speech. On November 7, 1835, at the Tippecanoe Battleground meeting, Wallace spoke in glowing terms of William Henry Harrison, thus helping to launch his campaign in Indiana.

Wallace announced his candidacy for governor early in February, 1837. The loss of the state by the Jackson party in 1836 left that group thoroughly discouraged; Gamaliel Taylor, their gubernatorial candidate, withdrew before the election, leaving John Dumont, a Whig from Switzerland County, as Wallace's only opponent. The election was fought on purely local issues, and principally on the issue of internal improvements. Dumont favored classification of public works, while Wallace favored construction simultaneously of all the projects.[22] Noble apparently did some campaigning for Wallace, for which he was strongly criticized by the *Indiana Democrat*. "It is high time our Executive officers attend to the affairs of the state and not spend their time and use their influence in operating upon the elections. Every citizen ought openly to condemn the interference of the Executive in the elec-

21 Woollen, *Biographical and Historical Sketches,* 70.

22 Adam Leonard, "Personal Politics in Indiana, 1816 to 1840," in *Indiana Magazine of History,* 19 (1923) :271-73.

tion."[23] It was an easy victory for Wallace, who received 46,017 votes to 37,372 for Dumont. David Hillis, of Madison, was elected lieutenant governor over Alexander S. Burnett.[24]

Continued Public Service

Noble's public service did not end with his term as governor. He was free to give more attention to his agricultural interests, but at the same time he continued his interest in public affairs. Another opportunity to fulfill his ambition to become United States senator came in December, 1838, when the election of a successor to John Tipton came before the General Assembly. Other candidates besides Noble were Thomas H. Blake, Milton Stapp, Tilghman A. Howard, Charles Dewey, and John Dumont. A bitter battle was waged for six days, with thirty-six ballots being cast. The contest finally narrowed down to Blake and Noble. After a while it became apparent that neither could be elected and a compromise candidate in the person of Congressman Albert S. White was brought forward and elected.[25]

Congressman John Ewing, who frequently displayed an acrid tongue and pen, wrote of his disappointment in Blake's defeat and added: "N. Noble is [and] has always been a mere schemer; and he alone is the cause. I thank God, he is now deservedly, politically dead."[26]

The Board of Internal Improvement as set up in 1836 was abolished at the 1838-39 session and a new three-member board created. Noble was one of the three members elected to the board by the General Assembly on February 8.[27] He served two years in this office and then was appointed Fund Commissioner,[28] a post he held until the office was abolished by an act of January 28, 1842. In the latter capacity he made several trips to New York to try to

[23] Indianapolis *Indiana Democrat,* July 26, 1837.

[24] Indianapolis *Indiana Journal,* October 7, 1837.

[25] *House Journal,* 1838-39, pp. 47-97; Smith, *Indiana Trials and Sketches,* 141-43; *John Tipton Papers,* 3:507, 771, 776-78.

[26] Dowling Papers, Indiana Historical Society Library.

[27] *Senate Journal,* 1838-39, pp. 630-32.

[28] *Ibid.,* 1840-41, pp. 625-26.

adjust the financial difficulties in which the state had become involved by mismanagement of two former commissioners. He was offered the office of Commissioner of the General Land Office during the summer of 1841 but declined on the ground that it would be dishonorable to desert his state at a time when she was suffering financial embarrassment. The last two jobs had not been easy ones and they left his already frail body in a weakened condition. He spent the fall and winter of 1842-43 in New Orleans and Galveston, Texas. After his return, his health continued to fail until his death on February 8, 1844, at the age of fifty.

In retrospect one would have to say that Noble was not a strong political leader. He does not belong to that group of strong executives who guided public opinion and dominated legislatures. Rather, his role was that of a follower. He considered himself as a servant of the people, and as such he tried to carry out their will. Although he had the backing of a political party, his success was due to his personal popularity. He was industrious, faithful, and attentive to the duties of his office. Henry Ward Beecher said that he was always a gentleman. "I do not believe a man has ever lived in this State, who has left behind so few unadvised, sharp speeches. . . . Kindness was the law of his tongue."[29]

Noble was blamed for getting the state into debt by embarking on a huge plan of internal improvements. Yet in 1835 the Democrats were applauding him for his deep interest in the subject. He had agreed with the majority of the people that they were needed and worked to obtain the necessary legislation. Unfortunately, the state started its program just in time to get caught in the national

[29] *The Means of Securing Good Rulers: A Sermon, Delivered on the Occasion of the Death of Noah Noble, Late Governor of Indiana* (Indianapolis, 1844), 18.

The Reverend Lucien W. Berry of the Methodist Church had charge of Noble's funeral service which was held in Wesley Chapel. Beecher's sermon was delivered in the Second Presbyterian Church the following Sunday. Noble was not a member of any church in Indianapolis. His parents had been members of the Methodist Episcopal Church and he was reared in that faith; he had requested that the Reverend Mr. Berry conduct his funeral. *Western Christian Advocate* (Cincinnati), March 22, 1844. Calvin Fletcher attended the service and left an account of it in his Diary, February 9, 1844.

depression. A stronger governor could perhaps have forced the legislature to enact a tax law to pay the interest on the huge loan, and this in turn would have led to a closer check on expenditures. The lack of such a provision and the mismanagement of bond issues by the fund commissioners left the state in a sorry plight, but the blame cannot all be placed on Noble. In fact, sometimes he was blamed for being too timid and cautious.

Through his appointments he was accused by the Democrats of building up an Indianapolis Junto, which in turn controlled the affairs of the government. The *Indiana Journal* denied the existence of any such clique and pointed to a number of instances in which Noble had appointed Democrats to important positions.[30] His hospitality in entertaining legislators, friends, and visitors to the city, cost him, according to one estimate, half his salary as governor. This lavish display aroused curiosity if not suspicion regarding his personal finances.[31] His hospitality no doubt won him friends and helped to elect him to office; it also fulfilled a much larger purpose, that of promoting good feeling and adding a gracious touch to the society of a frontier commonwealth.

30 Indianapolis *Indiana Journal,* January 14, April 22, 1837; Indianapolis *Indiana Democrat,* May 10, 1837.

31 No special effort has been made to answer this question in the present volume. The Governor apparently continued his trading ventures with Enoch D. John and did some buying and selling of land. At the time of his death, his land holdings were mostly confined to Marion County.

FIRST TERM
1831-1834

FIRST TERM, 1831-1834

Noble: Address to the People of Indiana[1]

[May 10, 1831]

Fellow Citizens:—As you have since our existence as a people selected many of your fellow citizens, from the common walks and avocations in life, and without reference to their business or profession elevated them by your suffrages to the highest official situations, and honored them with your confidence; and by your uniform practice sanctioned the republican maxim, that integrity and qualifications, are the only needful passports to your favor I feel encouraged to tend you my services and ask at your hands the most distinguished station within your gift—that of chief magistrate of Indiana.

Having located in Indiana when a boy of seventeen, I have been an attentive and interested spectator of her rapid career, from the condition of a feeble territory, to that of an important member of the union; & whilst witnessing the progress of public affairs, her extraordinary increase of population, the development of her resources, & occasionally participating in the political events as they occurred, I indulge the hope that I have in some degree, acquired a knowledge of her true policy, and the wants and interests of the people.

On the score of public services, in a military or civil capacity, I claim nothing at the hands of my fellow citizens—nor do I

[1] From the Madison *Indiana Republican,* June 16, 1831. This letter appeared in most of the newspapers of the state. The same issue of the Madison paper also carried a letter of James G. Read, candidate for governor on the Jackson ticket. Noble had announced his candidacy early in the year and at first apparently hoped to have the support of both Jackson and anti-Jackson forces; later, Read's candidacy was announced. See Indianapolis *Indiana Democrat,* July 30, 1831, quoting the Madison *Herald.*

believe, that because a man has been honored with an office, he is therefore entitled to another.—So far as any thing was due me for my little services on the eastern frontier of the state, during the late war,[2] or for services rendered occasionally, in the civil department, during a residence of twenty years among you, I have been compensated by the perquisites of the situations I occupied, and that which should be more valuable to public men, the spontaneous approbation of my fellow citizens. It is to my attachment to the civil institutions of our common country, my devotion to the interests of Indiana, the character in public and private life that I may have built up among you; on the opinion my fellow citizens, may entertain of my qualifications, that I rest my pretentions, looking to the people *all* & not to party discipline, for promotion, to the important place which it is their right to bestow, and to which I trust a laudable ambition has prompted me to aspire. Removed by our insular position from the theatre of heavy commercial transactions, with a territory embracing more good land than any other state in the union, the industry of our citizens, for some years, must be directed to the pursuits of husbandry, consequently, the legislative and executive departments of our government have but few objects, over which, to exercise their supervisory care. With powers clearly defined, they can move harmoniously in their respective spheres, & without ostentatious parade, exercise their legitimate powers in the promotion of the prosperity of a plain people. An object of importance with us, is the encouragement of agriculture, by a judicious application of our resources, in improving natural, and making artificial avenues, through which to convey our surplus produce to market, and in return, receive our supplies with the least possible expense. With but limited means to accomplish this object, and these drawn from the pockets of the people, by the process of taxation, our attention should be given to those of the first importance, and

2 Noble would have been eighteen years of age in 1812 and subject to militia service if he was living in Indiana Territory at that time. His brother James was in command of the militia in the Franklin County area during the War of 1812. Caroline Dunn, "Defense in Pioneer Days. Col. Noble's Franklin County Militia," in *Year Book* of the Society of Indiana Pioneers, 1953, pp. 5-13.

all grants to the state, for special purposes, ought to be faithfully and economically applied to the objects designated.

I need hardly avow my sentiments on the tariff laws.—I have lived too long in Indiana and witnessed the extreme depression in all branches of industry, particularly the low price of everything raised by the farmer, to be hostile to them. Their agency in invigorating the western agriculture, their influence on our present and future prosperity, are too manifest to need demonstration. The gloom that hung around our languishing commerce is nearly removed, and our citizens must see, that the fair prices we have been obtaining, for the last three or four years for our produce, is owing to the tariff, that we are engaged in other branches of industry, protected by our tariff, from foreign competition. To repeal the tariff laws and drive hundreds of thousands of our citizens to raising their own corn, pork, wheat, &c. they would become competitors instead of purchasers, the market would be glutted. Of the necessity of continuing them, we are admonished by every motive of interest and self defence. If every man in the government raise his own produce who will buy ours?

Our present plan for organizing and disciplining the militia, has failed to accomplish the end desired. We have prosecuted it, year after year, and our old men of the country tell us, our performances now, are inferior to those of twenty years since, nor can it be otherwise if left to the conflicting plans of the several states. In some states they muster 2, in others 3, 4, 5, 6, 8 and as high as 14 days in each year. To equalize the burthen of duty in each state, to ensure concert and efficiency in this important branch of our national defence, I am of opinion that the general government should take the subject in hand, that the numbers should be reduced in time of peace, that those who are called out ought to be paid for their services, and that until something is done, by congress, to equalize the duty and compel the militia of the several states to muster alike, it is useless to burthen the country by withdrawing each of our citizens from the pursuits of husbandry, for three days in each year, making an agregate yearly loss of one hundred and fifty thousand days and estimating each man's time twenty five cents per day, the loss is thirty seven

thousand dollars, annually, a sum exceeding the nett revenue of the state. The limits of such a communication as this, will not allow the details of a substitute for the present system.[3]

It is the duty of the executive to make himself acquainted with the wishes and interests of the people, to watch the effects of existing laws & recommend such other measures, as well as remedy those that may be defective. To discharge these duties will require an unremitted devotion of time and talents. I am therefore, of opinion, that the office of Governor should never be sought for, or used, as a stepping stone to other offices, and if I should be honored with your choice, I assure my fellow citizens, that I will not, during the time for which I am elected, or afterwards, receive at the hands of the legislature, any office whatever.[4]

I will, fellow citizens, comply with the custom of the country, by visiting each county, and wishing to share the confidence of the people, in every section of the state, I trust they will not break ground against me, but suspend their choice until I can be seen and heard. N. Noble.

Indianapolis, Ind. May 10, 1831

[3] Noble was to repeat in each of his messages to the General Assembly this plea for the Federal government to enact a general militia law giving uniform requirements for all states, but nothing was done during his administration.

[4] When Noble became a candidate for the United States Senate in 1836, the opposition accused him of failing to live up to this promise. The Indianapolis *Indiana Journal,* December 7, 1836, claimed that this promise was only binding on Noble during his first term in office, and that he had refused to renew it during his candidacy for re-election in 1834.

Proceedings of the General Assembly: Election of Governor and Lieutenant Governor[1]

[House of Representatives, December 6, 1831]

The Senate came down and took their seats on the right of the Speaker's chair—the President of the Senate on the right of the Speaker. The Speaker then proceeded to open and publish in the presence of both Houses of the General Assembly, the returns of the election for Governor and Lieutenant Governor, held on the first Monday in August last in the several counties of this State; and having made some progress therein, the Senate withdrew to their chamber.

[December 7, 1831]

The Senate came down from their chamber and took their seats on the right of the Speaker's chair, the President of the Senate on the right of the Speaker; when, in the presence of both Houses, the residue of the election returns for Governor and Lieutenant Governor were opened and published by the Speaker; and on counting all the votes as returned, it appeared that for the office of Governor, NOAH NOBLE had received seventeen thousand nine hundred and fifty-nine votes—JAMES G. READ, for the same office, fifteen thousand one hundred and sixty-eight votes—MILTON STAPP, for the same office, four thousand four hundred and twenty-two votes.[2]

Noah Noble of Marion county, having received a plurality of the votes given was, by the President of the Senate, in presence of both Houses of the General Assembly, declared duly elected Governor of the State of Indiana, for the term of three years from and after this day, and until his successor shall be chosen and qualified.

[1] *House Journal,* 1831-32, pp. 22, 28-29.

[2] See below, 604-6, for a tabulation of the votes from the election returns, and note 47, p. 19, above.

For the office of Lieutenant Governor, it appeared that DAVID WALLACE had received seventeen thousand one hundred and one votes: ROSS SMILEY, for the same office, twelve thousand eight hundred and fifty-eight votes; JAMES GREGORY, for the same office, five thousand three hundred and forty-six votes.

David Wallace, of Franklin county, having received a plurality of all the votes given, was, by the President of the Senate, in the presence of both Houses of the General Assembly, declared duly elected Lieutenant Governor of the State of Indiana, for the term of three years from and after this day and until his successor shall be chosen and qualified.

Noble: Inaugural Address to the General Assembly[1]

[December 7, 1831]

SENATORS, REPRESENTATIVES, AND FELLOW CITIZENS:

You have assembled in the Representative Hall, to witness my pledge of fidelity to the Constitution, accompanied with a solemn asservation, faithfully and impartially to discharge the duties appertaining to the office of Chief Magistrate of the State.

In taking upon myself the labors, and assuming the responsibilities of a station, the most distinguished within the gift of my fellow citizens of Indiana, I avail myself of the presence of their Senators, Representatives, and other public functionaries, to express the grateful feelings, and acknowledge the high sense of obligation, this distinguished mark of confidence has awakened in my bosom; and while I tender to you, and through you to the people of the State, my respectful thanks for the honor conferred by their suffrages, permit me, in this public manner, to renew the pledge, that my time and humble talents shall be faithfully employed in the promotion of their prosperity and happiness.

The instrument I have just promised to respect as the land mark of my official course, has clearly defined the powers and duties of the co-ordinate branches, and established the boundaries

[1] *House Journal,* 1831-32, pp. 32-36; *Senate Journal,* 1831-32, pp. 23-27.

of the executive, legislative and judicial departments of the government; and although these, with the success which has attended the building up of our moral, civil and political institutions, and the rapid march we have made towards a higher destiny, have sufficiently marked the way and lighted the path, that I should tread; yet, at the commencement of a new executive term, the usuages of the country require, and you may expect at my hands, an outline of the policy prescribed for my government.

Among the prominent measures and the important duties that will annually claim a share of our deliberations, is that enjoined by the Constitution to provide a general system of education. In a short time the reins of government will pass to other hands, and the places we occupy, must be filled by the youths of the land. "Knowledge is power"; and all power rightfully derived, comes from the hands of the people. That our free institutions may be perpetuated, it is not enough that we provide a few who are qualified to sit in the councils, or guide the helm of state—we must commence at the fountain of power, with the great mass of the people, to cultivate and enlighten the public mind, by a diffusion of the benefits of education. Hitherto, in Indiana, wealth has given no claim to office; and when the farmers and mechanics reflect that their sons, with the assistance of education, can travel in the path to distinction, and enter into competition, on equal grounds, for the posts of honor, they will come forward and lend their aid to sustain us in any plan calculated to ensure to their offspring such benefits. Admonished then, as we are, of the necessity of the measure, from our own knowledge of the wants of the portion of society in which we each live, motives of interest, philanthropy and patriotism, invite us to immediate action; and on my part, I am not only willing to act efficiently, but to meet responsibility in such a cause.[2]

[2] In addition to incorporating a number of new county seminaries and altering the charters of some others that had been incorporated earlier, the only important law passed during the session relating to education was one that inflicted a penalty of 100 per cent annually on property owners who were delinquent in payment of real estate taxes, the money to go to the school commissioners and be used for the use of common schools. *Laws of Indiana,* 1831-32, pp. 264-65.

The sphere of action of the State authorities being circumscribed by their territorial limits, it is not within the reach of State legislation to devise or carry into effect any general plan for the protection of the agricultural, manufacturing and commercial interests of the nation, to develop our national resources, or to render us independent of foreign industry and ingenuity, as well as of foreign legislation.—These powers have been wisely committed to the supervising care of the national legislature, and it is to that source we must look for the improvement of our natural, and the opening of new and artificial channels of commercial intercommunication between the several states, the creation of home markets for the varied products of the country, by the protection of domestic industry and enterprise, and for the establishment and maintenance of a sound, uniform and equal currency throughout the Union. Experience has abundantly tested the utility and expediency of the "American System," and demonstrated that our prosperity and future hopes depend upon its prosecution; and although we cannot officially participate in the work, we can exert a moral influence and strengthen the hands of the laborers in the cause, by an expression of our approbation on suitable occasions.[3]

[3]The attempt to carry out this suggestion of Governor Noble led to a political wrangle in the Senate during which party lines were drawn more closely than perhaps had hitherto been the case. On December 13, John Ewing, of Vincennes, introduced a joint resolution "in relation to internal improvements, a protecting tariff, and the rechartering of the bank of the United States." The Democratic minority tried to amend it but succeeded only in part, and on December 21 it passed the Senate in the following form:

"Whereas the interest and prosperity of Indiana, in common with all other states of the Union, necessarily depend upon the facilities of trade and enterprise, and intercourse which the government U. S. have power and means to foster and promote a protecting tariff to encourage home industry, and render us independent of foreign nations, and a sound circulating medium secured by the existing bank of the U. S. And whereas it is believed to be consistent with good policy to bring the deliberate opinions of the people in relation to these important subjects, to bear at this crisis, upon the councils of the Union: Therefore resolved, by the General Assembly of the state of Indiana, that our Senators in congress be instructed, and our Representatives requested, to use all proper means by their votes and influence, to procure appropriations of

There are, however, within the range of duties and within the scope of powers delegated to us, many important objects to be accomplished, auxiliary to the general system, and essential to a full participation in its benefits. For years to come we must be an agricultural people, and the surplus produce of the country must be transported beyond the confines of the State to find a market. It is obvious then, that while the general government is preparing the great national thoroughfares, and creating consumption by fostering manufactures, it is our interest and duty faithfully and economically to apply the means placed at our control by the national government, to their legitimate objects, and

public money or lands for improving the navigation of our rivers, and travel upon our leading mail roads, so that a salutary exercise of constitutional power may prevail, facilities of intercourse be increased, and to oppose any alteration of the present tariff law, that may be calculated to abridge or impair the existing protection, and encouragement afforded to the products and labor of the farmers, manufacturers and mechanics of our own country, and to sanction an extension of the unexpired time of the existing charter of the bank of the U. S. with or without amendments, but guard the institution against any disproportionate increase of government control."

Over a month after its passage seven senators (John M. Lemon, Joseph M. Hayes, James Whitcomb, John De Pauw, James T. Pollock, Thomas Givens, and David Robb) entered on the pages of the *Senate Journal* their protest to the resolution, asserting among other reasons that it was uncalled for and was productive of more evil than good, as it tended to produce party strife and distract the attention of members of the legislature from other matters that more particularly concerned them. A few days later Dennis Pennington on behalf of himself and nine other senators entered a counterprotest in the *Journal,* whereupon the first group entered still a further protest. In the meantime, on January 28, the House had put an end to the resolution by voting 39 to 32 to lay it on the table. *Senate Journal,* 1831-32, pp. 60, 96, 111-13, 122, 321-23, 340-42, 399-401 (the text of the resolution is on p. 341 in the counterprotest); *House Journal,* 1831-32, pp. 357-58, 363.

The Indianapolis *Indiana Democrat* had this to say about Ewing's resolution: "Little did the people of Indiana expect her legislature to consume the funds of this State in delay occasioned by electioneering on the subject of national politics, and although it is a matter of indifference whether such a resolution should or should not be adopted, it may serve to mark those whose rancour is so abundant that it cannot be restrained even in their public capacity." Issue of December 16, 1831. This latter is a reference to Ewing's lack of self-control in political debate.

to exert ourselves to call into requisition the latent resources and the energies of the State, to improve our rivers, and by making lateral roads and canals, to facilitate the conveyance of the various commodities of our State.[4]

It was the opinion of some who were actors in the eventful struggles of the revolution, and who assisted in framing the Federal Constitution, that any attempt to discipline the whole body of the militia of the Union would be "as futile as it would prove injurious." But notwithstanding the verification of this opinion, and the price we have paid for our lessons of experience on that subject, we still prosecute the plan by calling fifty thousand of our citizens from their avocations three days in each year, who return to their pursuits as destitute of a knowledge of the science as before. In my opinion, if at all attainable, the design is too gigantic to be accomplished under state auspices; and until the general government, to which it properly belongs, shall take the subject into hand, and adopt some general system that will lessen the burthens to the country by reducing the numbers, and that will equalize the service throughout the States, without oppression to any, and ensure uniformity and concert, we can never hope for an efficient militia. But in the adoption of a substitute, care should be observed that the States are not deprived of any of their attributes of sovereignty, and that the militia thus organized should be the militia of the states and not of the national government.[5]

[4] A great deal of the time of the legislators was taken up in the consideration of internal improvements. No less than seventy bills were passed concerning the building of roads; six companies were incorporated to build railroads and four to build bridges (including one over the Ohio River at the Falls). The construction of the Michigan Road and Wabash and Erie Canal required some additional legislation, and a number of memorials and joint resolutions asked the help of Congress in improving the navigation of rivers and beginning a canal to connect the White River with the Wabash.

[5] Several measures were introduced regarding the militia. The only one that passed was a memorial requesting the state's representation in Congress "to use their exertions, both by their votes and influence, to procure the passage of a law, providing for a more perfect and uniform organization of the militia of the several states of the Union." *Laws of Indiana,* 1831-32, p. 288.

It is important to the future growth and prosperity of Indiana, that the remaining Indian title to lands within her borders should be speedily extinguished. In several remote parts of our territory, counties have been laid off with flourishing and rapidly increasing settlements, between which and the seat of government are large bodies of these lands. The expense attending the extension of our civil jurisdiction over these remote and detached settlements, and of affording the protection of our laws to our citizens, is greatly enhanced, while we are deprived of the advantages that would accrue from the settlement of the intermediate country, by giving a northern and eastern direction to a portion of our commerce. With that object alone in view, it should be a favorite measure with us to obtain an extinguishment of these titles.[6]

Next in importance to the establishment of government upon the principles of equality and justice, and the enactment of wise and wholesome laws is the principle, that government should be administered cheaply. Heavy exactions may countervail all its advantages. Knowing as I do, that many of our citizens encounter difficulty in meeting the assessments under our present revenue laws, I shall be an advocate of the most rigid economy in public expenditures consistent with public duty. But so long as we have annually to provide for the wants of the influx of population by organizing new territory, indeed, until the extensive territory in the North is brought under our jurisdiction, we cannot promise ourselves a diminution of the present rate of taxation, for state purposes.[7]

[6] By an act approved July 9, 1832, Congress appropriated $20,000 for the purpose of holding Indian treaties and "finally extinguishing Indian title" in Indiana, Illinois, and the Territory of Michigan. U. S. *Statutes at Large,* 4:564. Thereupon commissioners were appointed to treat with the Miami and Potawatomi in Indiana. See below, 138n-39n, for a report on their negotiations. A memorial to Congress and joint resolution relative to extinguishing title to Indiana lands, similar to a joint resolution passed at the 1830-31 session of the Assembly, passed the House at this session, but was tabled in the Senate. *House Journal,* 1831-32, pp. 126-27, 150-51, 202-3; *Senate Journal,* 1831-32, pp. 163, 208, 212, 328.

[7] A memorial had been adopted at the previous session instructing Indiana's senators and requesting her representatives in Congress to seek an abrogation of the compact of 1816 by which lands sold by the general government were not liable to taxation for five years. Attempts

At a crisis, and with an opportunity, like the present, it may be expected I will bestow a passing remark on the subject of "State Rights," that fruitful theme for declamation, excitement, and I might add, self aggrandisement in certain sections of the Union. Having no inducement to conceal my sentiments on any topic of the kind, I will observe, that I am a strenuous advocate for the constitutional sovereignty, the distinctive independence of the States, and whilst I am honored with a share in the administration of public affairs, I will not tamely or silently overlook any encroachment upon the rights reserved to the States, by the Federal Constitution. But whilst I am thus explicit, I must also aver, that after an examination of the subject, I entertain no fears of consolidation from the enactments of the national legislature, neither have I been able to detect the least enfringement upon the rights of the States, from an exercise of the disputed powers, to discover any of the alleged evils flowing to any portion of the Union, nor any thing to justify the menaces offered the authority of the Federal Government. It should be remembered, that, in the integrity of the Union consists our glory and strength, and upon its continuance depend our peace, prosperity and happiness as a nation. It is dangerous to trifle with such things, and he who "enfeebles the sacred ties that bind together the various parts," or openly speaks of dissevering the Union by resisting its authority, incurs a fearful responsibility. It is strange, that those who are so tenacious of "State Rights," and so extremely sensitive of what they denominate "violations of the Federal Constitution" as to be blind to the dangers of the opposite extreme, and in their over-zealous efforts to vindicate the constitution, manifest so little regard for that which the constitution was designed to preserve—the Union of the States.[8]

were made at this session to countermand the memorial and also to reiterate it, but both failed. *Laws of Indiana,* 1830-31 (special), pp. 193-94; *Senate Journal,* 1831-32, pp. 65-66.

[8] The reference is to South Carolina's defiance of the Federal government in refusing to accept the tariff act of 1828, claiming that the Constitution was a compact between sovereign states who reserved the privilege of declaring null and void any act of the Federal government which violated their reserved rights. During the summer of 1831 Presi-

We all know, gentlemen, that the violent contest for power, under Federal authority, waged the last half dozen years, has turned out to be little else than a mere scuffle for office, and in reviewing the part we have each taken, no doubt we will all have much to regret. That tranquility and repose may be restored to society and harmony pervade the councils of the State, so far as example on my part will accomplish the desirable objects, I am resolved, that in my official course, and in the disposition of the patronage attached to the executive, no trace of party shall be found, nor shall my political friends induce the inquiry or approach me with the argument, that this or that individual, was or was not, recently in my support. My aspirations shall be for the good of my fellow citizens *all,* and so far as I have been made to feel the smart of this party violence, its influence is now a stranger to my bosom, and shall be lost to my memory.[9]

Allow me gentlemen, Senators and Representatives, to urge upon your consideration the importance of a mutual cultivation of harmony and good feeling in all our intercourse, and on my part I now offer you the assurance that frankness and undisguised friendship shall mark my course, and that I will hail the returning period and greet your coming together, that we may annually mingle our councils and unite our efforts for the common good.

In presenting subjects for the deliberation of the Legislature, I trust my suggestions will be made in the spirit of the constitution, as the advice of one, who from his official situation is bound to know and understand public concerns; and I only ask that they may receive a candid examination at your hands. And in the discharge of all executive duties it shall be my desire to preserve all the barriers to encroachments on the other departments, to refrain from an abuse of the executive privileges and

dent Jackson had written a strong letter denouncing this view and threatening military coercion if the state refused to obey the law. John Bach McMaster, *A History of the People of the United States. . . .* (8 vols. New York, 1883-1913), 6:51-58.

9 Noble is referring here in general to the introduction of the spoils system by President Jackson and in particular to his own dismissal by Jackson in 1829 from the position of receiver of public moneys in the Indianapolis Land Office.

to avoid any step calculated to loosen those restraints imposed by official propriety.

Whilst conforming to these outlines, in my efforts to be useful, will the aid and friendly countenance of grave Senators be awarded me? and shall I enjoy the approving support of worthy Representatives? If so, I embark cheerfully and without dread of consequences in my official career.[10]

Noble: Invitation to Dinner[1]

N. Noble desires your attendance at the dining-room of the Washington Hall, or at the dining-room of the Mansion House, this evening at 6 o'clock.

Indianapolis, Dec. 7, 1831

[10] The Indianapolis *Indiana Democrat* commented on this first official message of Noble's: "It is a respectable state paper, and if its author shall exhibit by his official conduct a faithful copy of his pledges, he will doubtless find a cheerful support from all parties, and a harmonious and prosperous administration." Issue of December 9, 1831.

[1] Printed invitation, Indiana Historical Society Library. Members of the General Assembly and state officials were invited. Noble was noted for his hospitality; in the opinion of Calvin Fletcher, it surpassed that of any man in the state. A number of similar invitations for this and other years have been preserved in the papers of Noble's contemporaries. Washington Hall and the Mansion House were two of the town's leading hotels. Noble entertained in his own home on East Market Street after its completion in 1833 or 1834. Calvin Fletcher Diary, January 9, 1834, Indiana Historical Society Library. In 1833 an eastern visitor described Indiana's governor as "a gentleman of rather prepossessing appearance, plain and practical in his communications, and remarkable for hospitality to strangers. He holds a weekly levee, on each Thursday evening, similar to that of the President at Washington, which is to be continued throughout the session [of the legislature], and to which the members of the Legislature, without distinction, are invited, together with their friends and strangers, generally, who may be at Indianapolis. At these meetings kindly feelings are interchanged, and they are generally made a 'feast of reason' with the flow of soul [?]. The other Executive officers are gentlemen calculated to give a good opinion of the young and growing state." Quoted in Indianapolis *Indiana Democrat,* January 16, 1833.

Treasurer's Report[1]

TREASURY DEPARTMENT,
INDIANAPOLIS, DECEMBER 8, 1831

THE TREASURER in obedience to the directions of the Act concerning the Auditor of Public Accounts and Treasurer of State, respectfully submits the following report of the Revenue and Expenditure of the State, from December 4th, 1830, to December 3d, 1831.

Cash on hand Dec. 4th, 1830		$ 34059 93
Receipts from that day to Dec. 3d, 1831		
From Revenue assessed for 1822	$ 215 29	
" " " " 1825	109 50	
" " " " 1827	25 00	
" " " " 1828	53 94	
" " " " 1829	15 25	
" " " " 1830	30550 85	
" " " " 1831	3653 08	
Total Revenue		$ 34622 91
From the Agents for Indianapolis		7799 39
" " Canal Commissioners		12360 52
" " Superintendent of the State Prison		800 00
" " Commissioners of the Seminary Townships		6010 80
" Loans refunded		2155 00
" Interest on loans		1740 34
" Sales of mortgaged land		615 70
" Estates without heirs		345 90
" Militia fines		4 65
" Rents of salt spring reserves		143 50
" Sales of Michigan Road lands		48563 33
Total		$149221 97

[1] *House Journal,* 1831-32, Appendix A, pp. 5-8; *Senate Journal,* 1831-32, pp. 36-38. In addition to the main report printed here, the treasurer also reported on the Loan Office, the Seminary Fund, and Contingent Fund.

Payments from the Treasury during the above period to the Adjutant and Quarter Master Generals		112 50
For advertising Presidential election		1 00
Salaries of Prosecutors		1033 24
" " Executive officers		2266 67
" " Judges		8717 19
Legislative Expenses:		
Pay and mileage of members	$12412 46	
" of Clerks and Door-keepers	2835 50	$15247 96
Specific appropriations		1413 94
Printing and Stationary:		
Paid the Public Printers	$ 2395 26	
" Book binders	2304 85	
" for stationary and carriage	3361 01	
" for Distributing Laws	321 00	8382 12
Pay of Probate Judges		1734 00
Premiums for wolf scalps		733 50
Contingent expenses		1074 61
State Library		125 00
" Prison		1025 77
Salt springs		41 66
Making the ordinary expenses amount to		$ 41909 16
There has also been paid		
For Michigan Road		824 86
State Seminary		3739 48
Seat of Government		686 60
Loans of Seminary funds		5003 00
Wabash and Miami Canal		4447 47
Michigan Road scrip		48563 33
Balance in Treasury		44048 07
		149221 97

The cash on hand consists of the following items:

Wabash and Miami Canal fund	$ 23719 74
Indianapolis fund	13878 44
Seminary fund	306 67
Conscientious fines	566 50
There are outstanding warrants for	14 75
Salaries of Judges, Prosecutors Adj. Generals, due, but not audited, amounting to	1367 68
Claims of Probate Judges, (estimate,)	1200 00
Making in all	$ 41053 78
Which deducted from the cash on hand, leaves	2994 29
The Revenue of 1831 to be paid subsequently to the 4th, will probably amount to	34000 00
Old arrearages	500 00
	$ 37494 29

The expenses of the ensuing year may be estimated as follows:

Salaries of Judges and Prosecutors	8200 00
Executive officers	2400 00
Printing and Stationary	4000 00
Legislature	16000 00
Contingencies	1000 00
State Prison	500 00
Wolf scalps	800 00
Probate Judges	2000 00
Specific appropriations	1200 00
Presidential election	600 00
State Library, Adjutant General, &c	300 00
	37000 00

Which will leave in the Treasury, 1st December, 1832, $494 29. The revenue of the present year will probably exceed that of the last more than $3000, and this ratio of increase may be expected to continue for several years. But if the Canal and Indianapolis funds should be withdrawn from the Treasury, an increase of

revenue, at least to the amount anticipated, must be very desirable to meet the necessities of liberal legislation. It is very gratifying to be able to state that there was but one delinquent out of sixty-three collectors for the year 1830. A few years since, the State Debt was nearly 30,000 dollars, and not one in ten of the collectors settled their accounts at the Treasury within the time prescribed to them by law. The debt has been paid—the taxes have been reduced nearly 50 per cent, and the ability and willingness to pay is evidenced by the delinquent lists of collectors, which in general do not exceed half what they formerly were in proportion to the sums collected.

Respectfully submitted, S. MERRILL

Noble: Report as Contract Commissioner of Michigan Road[1]

[December 14, 1831]

TO THE HONORABLE, THE GENERAL ASSEMBLY OF THE STATE OF INDIANA:

The undersigned, your commissioner on the Michigan Road, respectfully reports—That since the close of your last session,

[1] *House Journal,* 1831-32, Appendix C. This is also printed in the *Senate Journal,* 1831-32, pp. 67-68. Noble had been appointed contract commissioner for cutting and opening that part of the Michigan Road lying between Madison on the Ohio and the Wabash River, by act of January 13, 1830. Under the act contracts were to be let for each four miles of the road by the third Monday in July, 1830, and the work completed by November 30, 1831. The road was to be one hundred feet wide, and cut and cleared of all timber and underbrush leaving no stump more than one foot above the level of the earth. A lane thirty feet down the center of the road was to be grubbed in the manner employed in constructing the Cumberland Road. A difference of opinion between the state and Federal governments over the selection of the Michigan Road lands delayed the land sales and consequently the construction work. Noble's compensation as contract commissioner was to be $2.00 per day for each day engaged in this service. *Laws of Indiana,* 1829-30, pp. 114-16. His first report to the Assembly was made December 11, 1830, and is printed in *House Journal,* 1830-31, pp. 92-95. See also Geneal Prather, "The Construction of the Michigan Road," in *Indiana Magazine of History,* 40 (1944): 242-79.

on that part of the line, then under contract, between the Ohio and Wabash rivers, the contractors have progressed as rapidly as the frequent rains of the summer and autumn would permit; and but for the early setting in of winter, it is believed few of the sections would have remained unfinished on the 30th November, the day on which the work was to have been completed. Seventy-nine sections, of one mile each, have been received—sixty-three miles more are ready for inspection, but owing to the late fall of snow and the closing of the ponds with ice, which forbade such an examination as would justify it, they have not been received. On the remaining sections, about three-fourths of the labours have been performed.—Of the contractors who are delinquent, some have been driven from the field by the inclemency of the weather, while others are still prosecuting the work at the sacrifice of their resources and risk of health. Knowing that the extraordinary seasons have embarrassed their operations and produced the delay, I feel it a duty, and have been requested to bespeak a little indulgence at your hands.

The law regulating the granting of scrip, seemed to contemplate an issue, only upon the completion of the work as bid off by each contractor, and to have conformed to its letter, not more than fifteen thousand dollars in scrip, would have been thrown in circulation by the day of the sales of the road lands; but as the sales were ordered a month before the elapse of the time allowed the contractors, the commissioner, to afford them additional active resources, and to increase the means for competition at the sales, felt himself justified in issuing scrip to the extent of the progress of the work, amounting to something more than forty-nine thousand dollars.

As regards that part of the line, ordered to be opened, north of the Wabash, your commissioner further reports—that the legislature, at its last session, designated the 3d Monday in October for the sale of the Michigan Road lands, and directed your commissioner, on or before the 4th Monday in August, to place under contract, that part of the line between Logansport and the southern bend of the St. Josephs, *provided* funds should have been obtained from the sales in October, a contingency that could not

happen. Believing the legislature did not intend to defeat its object, by the appendage of this proviso—supposing that body intended the commissioner to proceed, provided there was a reasonable prospect of funds, and knowing that the public interest loudly called for the opening of the road, he had it laid off and advertised for sale. But as Judge Polk, who was charged with the selection and survey of the land, had not at that time succeeded in a conference with the Indians, which subsequently enabled him to extend his surveys, your commissioner, not having a reasonable assurance of a sufficient fund, suspended the sales of the road for the further order of the legislature.[2]

All of which is respectfully submitted.

N. Noble

The following items of expense constitute the sum, for which the road fund is liable this year, to wit:

Aquilla Rariden, surveyor, as per his account herewith				$ 65.00
Jacob Smith, chain carrier,	"	"	"	25.50
Peter Deckan, marker,	"	"	"	22.50
John Moore, packer,	"	"	"	7.50
John Lindsey, "	"	"	"	18.00
Henry Ward, chain-man,	"	"	"	22.50
				$161.00
N. Noble's services this year, 77 days,		"	"	154.00
In all,				$315.00

[2] An act to provide for selling the Michigan Road lands in order to open the road between Logansport and Lake Michigan was approved February 2, 1832. *Laws of Indiana,* 1831-32, pp. 122-27. The same act combined the offices of Michigan Road land commissioner and contract commissioner and provided for the election of the single commissioner by the General Assembly. William Polke, who had been serving as land commissioner, was elected to the office on February 2, 1832, and was re-elected in 1834. *House Journal,* 1831-32, p. 428; 1833-34, p. 422.

Organization of the Indiana Lyceum[1]

[December 19, 1831]

At a meeting of citizens from different parts of the state, convened in the Hall of the House of Representatives, on Monday evening the 19th of Dec. Governor Noble was called to the Chair, and Henry P. Thornton Esq. appointed Secretary.[2]

The object of the meeting was stated in a lucid and eloquent address delivered by Samuel Merrill Esq.: after which Mr. Farnham submitted the following resolutions:

Resolved, That it is expedient to organize a State Lyceum at the seat of government of this state to be denominated "The Indiana Lyceum."

Resolved, That a committee of thirteen be appointed by the chair to draft a constitution and to solicit subscriptions with the same.

Which were unanimously adopted.

[1] Indianapolis *Indiana Journal,* December 21, 1831.

[2] The meeting was called at the suggestion of a group of seventy prominent citizens of the state for the purpose of consulting upon the means of promoting the organization of grammar schools, the extension and improvement of primary schools, and more especially the organization of lyceums in the several counties. The Circular advertising the meeting stressed the lack of schools in the state but added that the legislature had done all that could be expected of the government for several years. It also revealed that a not-too-successful attempt had been made to determine the status of illiteracy in the state. It concluded, "The importance of the subject in relation to our social enjoyments, permanency of our political institutions must be acknowledged . . ." *Ibid.,* November 12, 1831. The Indiana or Indianapolis Lyceum was evidently incorporated under the act of January 26, 1832, which provided that twenty or more citizens of any county might join together to form a lyceum for their mutual improvement. The constitution of any lyceum thus formed was to be signed by at least twenty citizens and recorded in the office of the county recorder. *Laws of Indiana,* 1831-32, pp. 130-31. See below, 101, for notice of first meeting to be held March 14, 1832.

The Indianapolis Lyceum was active only two or three years and was superseded in 1835 by the Young Men's Literary Society. Sulgrove, *History of Indianapolis and Marion County,* 106. The lyceum movement originated in Millbury, Massachusetts, in 1820 when Josiah Holbrook organized his neighbors into an association for mutual improvement. The idea spread rapidly and by 1850 there were some three thousand lyceums in the United States.

The Chairman nominated the following gentlemen to act as the aforesaid committee:

Messrs. Farnham, Polke, Morrison, Merrill, Gresham, Willett, Bonner, Clark, Stevenson, Cully, Wallace, Cravens, and the Rev. Mr. Bradley.[3]

On motion of Mr. Merrill the meeting adjourned to Monday evening the 26th at early candle lighting.

N. NOBLE, *Ch'n.*

H. P. THORNTON, *Sec'y.*

Noble to the Senate, Transmitting Resolutions[1]

EX. DEP. INDIANAPOLIS, 20th Dec. 1831

TO THE HON. THE SENATE OF INDIANA:

My predecessor has placed in my hands the following joint resolutions, which were forwarded to his address, by the Executives of the States from whence they emanated, with the request, that they should be laid before the Legislature of this state, to-wit:[2]

From Delaware—A joint resolution on the proposed amendments, of Louisiana and Missouri, to the constitution of the United States as regards the elections of President and Vice-President of the United States.[3]

[3] John H. Farnham, William Polke, James Morrison, Samuel Merrill, —— Gresham, Marinus Willett, David S. Bonner, Othniel L. Clark, Alexander C. Stevenson, David V. Culley, David Wallace, James H. Cravens, —— Bradley. Most of the men were members of the legislature or held other public office.

[1] *Senate Journal,* 1831-32, pp. 123-24.

[2] The resolutions were referred to different committees of the Senate where they were discussed and in most instances a report was made back to the Senate expressing the feelings of the committee upon the subject. In a few instances the reports were accompanied by joint resolutions reciprocating those from the other states.

[3] Louisiana favored amending the Federal Constitution to extend the term of president and vice-president to six years while Missouri wanted the two offices filled directly by the people without the intervention of electors. Delaware did not concur in either of the proposals. President Jackson had indicated his approval of the Louisiana plan, but the Indiana Senate committee on elections to whom the resolutions were referred doubted his sincerity inasmuch as he was seeking re-election. The full

Same—A joint resolution as relates to the tariff and internal improvements, &c.[4]

Same—A joint resolution in relation to the course of Andrew Jackson, President of the United States, &c.[5]

Same—A joint resolution on the subject of a distribution of the proceeds of the public lands, to purposes of education.[6]

report of the committee is not given in the *Journal,* but during the last days of the session the minority members presented a counter report in which they expressed their regret at the spirit pervading the original report so far as it related to the President. Delaware, *Laws,* 1831, pp. 83-84; Indiana *Senate Journal,* 1831-32, pp. 152, 177, 364-65.

[4] The Delaware resolution approved the tariff law of 1828 and affirmed that the construction of public works was not only within the constitutional powers of Congress but that the exercise of such power was expedient. The committee on canals and internal improvements, to whom this resolution was referred, reported that the Senate had already expressed a favorable opinion on the two subjects by a joint resolution. Delaware, *Laws,* 1831, pp. 80-81; Indiana *Senate Journal,* 1831-32, pp. 178-79.

[5] The Delaware resolution was adopted in reply to one received from Alabama approving of President Jackson's conduct and recommending his re-election; it was unfavorable to Jackson, believing that his refusal to sign the Maysville road bill and other bills for the promotion of internal improvements was in disregard of the best interest of the Union. The resolution asked for the election of Henry Clay as Jackson's successor. It was referred to a select committee of the Indiana Senate composed of John Ewing, Joseph Orr, and Dennis Pennington which reported that the Senate had already expressed itself in regard to the appropriation of means to advance the improvement of the Union and would leave the selection of the next president up to the "intelligence and patriotism of the free and independent voters of the state." The report went on to say: "Our beloved country would soon settle down again in happiness and quiet, if men who are believed to prostitute their pens for pay would allow the people of the United States to think dispassionately of a successor to the president. One who could readily be recognized and known as an accomplished and profound statesman, the champion of human liberty, a protecting tariff and internal improvement, would be indicated almost unanimously." Delaware, *Laws,* pp. 81-82; Indiana *Senate Journal,* 1831-32, pp. 151-53.

[6] The Delaware resolution was opposed to the proposal being discussed by Congress to distribute the public lands remaining unsold to the states wherein they lay, believing they were held in common by all the states and that the revenue derived from their sale should be distributed among the several states to extend the means of education. The resolution was referred to a select committee of the Indiana Senate composed of John Ewing, Joseph M. Hayes, and James Whitcomb. Their

Same—A joint resolution relating to the claims of those officers and soldiers of the revolution who are not provided for under existing laws.[7]

From Massachusetts—A joint resolution on the subject of the Union of the States, the judiciary, &c.[8]

From Same—A joint resolution on the subject of a new organization of the militia of the United States.[9]

From Connecticut—A joint resolution on the subject of the constitution and judiciary of the United States.[10]

From Ohio—A joint resolution responding to those of Georgia and Missouri, relating to appropriations from the National Treasury to aid the Colonization society.[11]

All of which I have the honor of presenting for the consideration of the Legislature.

N. Noble

report, which was tabled, reiterated the avowal of the claims of Indiana to the unappropriated lands within its boundaries made by the General Assembly in 1829. Delaware, *Laws,* 1831, pp. 84-85; *Senate Journal,* 1831-32, pp. 146, 182-83, 193, 199, 254; *Messages of James Brown Ray,* 286-87n.

[7] The Indiana Assembly adopted a similar resolution urging the extension of the pension law to all surviving soldiers of the Revolutionary War regardless of whether they served in the Continental line, the state line, or in the militia. *Laws of Indiana,* 1831-32, p. 287.

[8] The Massachusetts resolution was in reply to the one from Alabama (see note 5 above) asking for the re-election of President Jackson; its general theme was that in view of the crisis which was developing in South Carolina, in which the strength of the Union was being assailed, that there were graver questions for legislatures to discuss than that of nominating candidates for the Presidency. Massachusetts, *Resolves,* 1831, pp. 473-76. The resolution was referred to the judiciary committee of the Indiana Senate, but no report has been found.

[9] The Massachusetts resolution asked for the passage by Congress of an act for the more perfect organization of the militia by the several states. The Indiana Assembly adopted a similar resolution asking for a uniform system. Massachusetts, *Resolves,* 1831, pp. 501-2; *Senate Journal,* 1831-32, pp. 201-2, 216; *Laws of Indiana,* 1831-32, p. 288.

[10] The resolution was referred to the judiciary committee, but no report has been found.

[11] The resolution was referred to the judiciary committee, but no report has been found.

Noble to Senator John Tipton[1]

Ex Dep. Indianapolis 24th Dec 1831

Dear Sir, The enclosed copy of a Memorial of the Legislature of Indiana I have the honor to transmit. Some of our citizens did not improve the opportunity for relief under the late laws, and it is desiribble that they should be enabled to avail themselves of their benefits as others have done.[2]

With respect, I am Your Mo. obt svt

N. Noble

[Endorsed:] Gen Tipton

Noble to Senator John Tipton[1]

Indianapolis 25 Dec 1831

Dear Sir, Since you left the metropolis the Legislature has employed its time in attending to some local legislation but no leading or new proposition has agitated the body nor has there been any indication of the intention of the majority as regards the Canal.

The Reports from the Treasury and War Departments have given great satisfaction to the temperate of all sides, Mr. McLane[2] is the only efficient friend of the President that I know of, (except yourself) who has not surrendered in part or entire, his opinions as regards In. Imp, the Tariff, protection to manufactures &c. and I am proud to know we have such splendid talents enlisted to save our dearest interests.

So far as he has developed his views as regards the Public Lands I am pleased with them and I shall be glad of when an opportunity

[1] ALS. ISL: Indiana Division, John Tipton Papers.

[2] The memorial called for the continuance of the act of Congress for the relief of purchasers of public lands, approved March 31, 1830, and passage of an additional act permitting persons indebted to the government for the purchase of land to relinquish such part of their purchase as would enable them to close their accounts with the United States. *Laws of Indiana,* 1831-32, pp. 182-83.

[1] ALS. ISL: Indiana Division, John Tipton Papers.

[2] Louis McLane, secretary of the treasury. Noble refers to the reports presented to Congress at the beginning of the session.

offers, you will converse with him on the subject and ascertain the terms on which he thinks the Domain should be surrendered to the new states.

Elected as you have been under circumstances so gratifying to a laudable ambition, you must know that all have confidence in the principals you have long cherished concerning our state policy as well as that of the general government, and permit me to say much is expected of you.[3] It is to your exertions in a great degree, we look for the extinguishment of the Indian title in the North and if so fortunate as to succeed in that your hold on the good opinion of your fellow citizens will be strengthened and you will deservedly ocupy a ground that few politicians can boast of. Permit me in frankness to say that I should like to see you take a step towards the consumation of Mr. McLanes proposition for the surrender of the Lands *if you find it prudent to do so.* In my opinion the proper time will be when a proposition is made to compromise the differences of opinion as relates to the Tariff, the protection that shall be given manufactures &c. &c.[4]

The navigation of the White Rivers must be improved ere long by the State or general governments; the wants of the [MS illeg.] population extended along the valleys of these Rivers require it, and not less than 18 counties will be benefitted there by—Suffer me to ask if an enquiry, as to an application from the Treasury, or in lands for such a purpose, will not at least awaken an interest on that subject?

[3] Tipton had been elected U. S. senator by joint ballot of the two houses of the legislature on December 9, 1831, to fill out the term of James Noble who had died the previous February. Other candidates for the office were Samuel Judah, Jesse L. Holman, and Thomas H. Blake. Tipton was re-elected in December, 1832, for the six-year term.

[4] On February 29 Tipton moved that the Senate committee on public lands inquire into the expediency of relinquishing to the several states the public lands within the limits of each state on the principle laid down by the secretary of the treasury. U. S. *Senate Journal,* 22 Congress, 1 session, 160. McLane's plan was to relinquish the land to the states for a fair price; the aggregate price of the whole would then be apportioned to all the states. House *Executive Documents,* 22 Congress, 1 session, No. 3, pp. 12-13.

I may before long be under the necessity of asking you to attend to a little private business which I have with Tr. Dep.[5]

I am Dr sir, Yours Sincerely

N. Noble

[Addressed:] The Hon John Tipton Senator in Congress Washington

[Endorsed:] ansd 22d Jany 1832

Noble to the Speaker of the House, Transmitting a Communication[1]

Executive Department,

Indianapolis, December 30, 1831

The Hon. H. H. Moore, Speaker of the H. of Representatives:

Sir,

Through the medium of the chair permit me to lay before the House of Representatives the report of the Treasurer of the Indiana College.

Very Respectfully,

N. Noble

[Enclosure]

To His Excellency the Governor of the State of Indiana:

Sir—In compliance with an act entitled "an act to establish a College in the State of Indiana," approved January 28, 1828, the Treasurer of said College would respectfully submit the following as a true account of the receipts and expenditures of the Indiana College, (by him) since the 27th of October, 1830, up to the 26th of September, 1831.

Remaining in the treasury on the 27th of October, 1830, of the fund arising from the students	$ 92 31
Of the funds arising from the sale of the section south of the College	241 11
Received of the students during the above period	838 75

[5] See above, 12.

[1] *House Journal*, 1831-32, pp. 156-57.

Received of the commissioner to sell the section south of the college			460 00
Received of John W. Lee, former superintendent of the Seminary township in Monroe county			160 00
When added makes			1792 17
In the above period the following sums have been paid:			
To the faculty	728 75		
" janitor	52 00		
" secretary of the board of trustees	11 43¾		
Printing and other incidental expenses	16 93¾		
Fire wood	17 10		
Repairs	2 00		
To the treasurer 2 per cent. of $1921 62, being the amount received of the students and paid out since the commencement of the institution up to the 26th of September, 1830,	38 43		
For materials, &c to mechanics for the new college building	581 68¾		
For philosophical apparatus and books	216 50		
When added makes	1664 84¼		
Taken from the receipts leaves in the treasury			127 32¾

Respectfully submitted

JAMES BORLAND, Treasurer

November 26, 1831

Noble to the Speaker of the House[1]

EXECUTIVE DEPARTMENT,

INDIANAPOLIS, Thursday January 19th, 1832

THE HON. H. H. MOORE, Speaker of the H. of Representatives,

SIR—In compliance with a resolution of the House of Representatives, calling on the Governor "to inform the House if any evidence is on file in his office authorizing the State to claim and

[1] *House Journal*, 1831-32, pp. 284-86.

possess any salt spring or springs in the county of Dearborn, under an act of Congress of April 19, 1816,"[2] I now communicate to the House, such information and evidence as I have been able to obtain, relating to the salt spring supposed to be alluded to in the above recited resolution. Having casually learned, during the last autumn, that the occupants of the saline reserve in Dearborn county, belonging to the State had, in virtue of an alleged pre-emption right, entered it at the Land office of the United States, immediately on my coming into office an enquiry was set on foot and a correspondence opened with several gentlemen of that county on the subject, intending to lay the matter before the legislature. That I might embody all the documentary and other evidence relating to the State's chain of title, going beyond the act of Congress of April 1816, to connect it with that law, and give a history of the proceedings under which the adverse claim is now set up, a letter was addressed to the Register of the Land office, on the 18th of last month, asking a copy of the evidence of settlement filed by the tenants, a copy of the instructions received from the Commissioner of the General Land office, permitting this entry to be made, and other information and documents which his office affords. Believing the Register would not withhold any information necessary to a full understanding of this extraordinary attempt to wrest from the State so valuable a property, this report has been delayed for an answer by [until] last evening's mail; but I have not had the pleasure of receiving one, although I am advised, through another channel, of the receipt of my letter. Deprived of the benefit of such light as the records and documents of the Register's office would throw on the subject, I submit such facts and information as have been derived from other sources.

The laws of Congress regulating the survey and sale of the public lands, made it the duty of the surveyors to report, and the Land officers to reserve from sale, all lands supposed to contain salt springs, &c., and among other reservations in the then territory of Indiana, either in consequence of the report of the surveyor,

[2] Section 6 of the act enabling Indiana Territory to form a state constitution and be admitted into the Union, reserved to the state all salt springs and adjacent lands necessary to the working of the same.

or of a deposition filed by one Charles Deford, Section No. 25, Town 6, Range 1, situate in Dearborn county, was called a "saline section" and reserved from sale. By what authority is not known, but this Charles Deford erected salt works on that section, and afterwards sold them to one Aaron Schogin, who continued to manufacture salt until the price was put down by the introduction of salt from other works. Subsequently, and while yet under the territorial government, one John Perine claimed the South east quarter of the section, under a pre-emption law of Congress, he having erected a grist mill on it; his application was rejected, however, by the Register of the Land office, on the ground that it was a part of the saline reserve. Mr. Perine, for the same reason, applied to Congress for permission to enter, which was granted on the condition, that three individuals, to be appointed for that purpose should, after an examination, report to the Land officers that the South east quarter did not contain a salt spring; which being accordingly done, a patent was issued to him. The remaining three quarters of this reserve section, passed to the State on our acceptance of the propositions contained in the act of Congress of April 1816, enabling the people of the then territory, to form a Constitution and enter into our present grade of government, and since that time the State has exerted her right in various acts of ownership. The first measure was, by legislative enactment, to provide for the appointment of superintendents by the Executive; and so early as January 2d, 1817, Governor Jennings appointed one Mahlon Brown as such, who on behalf of the State took possession of the premises and placed them in charge of a suitable number of tenants. At an after period Brown resigned and his place was filled by the appointment of John Perine, on the 11th of March, 1822, who was acknowledged by the tenants, and in the capacity of Agent performed many official acts. Mr. Perine having removed from the State, and the statute of the 22d January 1824, enjoining the duty on the President judges, the Hon. Miles C. Eggleston, in pursuance of the statute, on the 4th day of January 1830, made the following lease of the whole property, to David Guard, to wit: ————." By virtue of this instrument, Mr. Guard

took possession of the property, but permitted the tenants in possession to remain.

From the foregoing it may be seen, that there has been no abandonment of property on the part of the State, but on the contrary she has guaranteed peaceable possession to David Guard, until the 4th. January 1833.

Some time during the past year an individual of the county told Mary Muir, John Davis and Thomas Branan, the tenants in possession, they were entitled to the land at Congress price, under the late pre-emption law, and as they were poor he proposed to furnish the purchase money and give them $100 each, provided they would constitute him *attorney in fact,* with authority to sell and convey, which was agreed to. He also required a quit claim deed from each and a bond in the sum of $4,000, conditioned for the payment of a fee of $2000, which operated as a lien on the land. Thus guarded he proceeded to Cincinnati and from thence to Washington, and having procured an entry, obtained the patents. While gone, and before the issuing of the patents, the tenants publicly revoked the power of attorney, through the newspapers, and afterwards deeded the land to others. The agent on his return from the city, under his *quit claim* deed from the tenants, made a conveyance to Levi Miller for one thousand dollars per quarter section, and in addition conveyed each lot *as attorney in fact for the tenants* with a consideration of one hundred dollars per quarter.

This Reserve would now command $8000 in cash, and if sold on a short credit will not bring less than $10,000.—It will therefore remain for the legislature to point out some summary mode for the removal of all persons who will not acknowledge the authority and right of the State, by becoming tenants under the existing or some other regulations.—As our other saline reserves may be equally liable to be wrested from us, it may be well to provide for the removal of all persons who neglect the proper steps in settling on those lands.[3]

Very respectfully,

N. Noble

[3] The General Assembly at this session passed a joint resolution calling upon the Governor to open a correspondence with the General

Noble to the Speaker of the House[1]

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, 20th January, 1832

THE HON. H. H. MOORE, Speaker of the H. of Representatives,

SIR:—The resolution of the House, requesting a copy of the correspondence had with the Governor of Illinois, and with the War Department, agreeably to the act of 29th January, 1830, was transferred to my predecessor, who informs me that the correspondence desired may [be] found at page 109 of the journals of the House of Representatives of the last session.[2]

I am &c. Your obedient servant, N. NOBLE

Noble to the President of the Senate: Nomination of Canal Fund Commissioners[1]

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, Monday, 23d Jan. 1832.

HON. DAVID WALLACE, President of the Senate:

SIR:—In compliance with a duty recently enjoined on the

Land Office with a view to gaining undisputed possession of the salt springs for the state or obtaining a grant of other lands in lieu thereof. *Laws of Indiana,* 1831-32, pp. 282-83; also below, 101-4, Noble's letter to Indiana's senators, John Tipton and William Hendricks. Tipton presented the Indiana resolution to the Senate on April 27, and a few days later moved that the committee on public lands, of which he was a member, inquire into all the facts and proceedings relative to the reservation and sale of the land. The printed committee report (U. S. *Senate Documents,* 22 Congress, 1 session, vol. 3, doc. 158) includes the data and correspondence which led the committee to the conclusion that as there was no evidence in any book, map, or plat in the land office records that there ever had been a salt spring on section 25, or that the section had ever been reserved as such, and that the state had no claim to it. Noble did not go along with this, and transmitted to the next Assembly his correspondence on the matter and documents supporting his own conclusions. See below, 164-66, 171-72. See also U. S. *Senate Journal,* 22 Congress, 1 session, 259, 338, 360.

[1] *House Journal,* 1831-32, p. 289.

[2] The correspondence concerned the improvement of the navigation of the Wabash by removal of obstructions therein. See *Messages and Papers of James Brown Ray,* 609-12.

[1] *Senate Journal,* 1831-32, pp. 272-73.

Executive, I submit, for the consideration of the Senate, the names of the following gentlemen to constitute a board of canal fund commissioners, viz:

Wm. C. Linton of Vigo county,
Nicholas M'Carty of Marion county and
Jeremiah Sullivan of Jefferson county.[2]

Very respectfully, N. Noble

Benjamin McCarty to Noble[1]

South Bend February 7th 1832

His Excellency Noah Noble

Dear Sir The organization of the new county west of St. Joseph County will make my office as sheriff of said county vacant you will at the Time you appoint a sheriff for said new county Appoint a sheriff for said county of St Joseph and for that office permit me to recommend to your notice Mr Scott West my present deputy, Mr West is a man of Integrity and good moral character and moderate qualifications

As I shall be a citizen of the said new county namely Laport county, If you should so elect to appoint me to that office such appointment will be duly appreciated and the duties attended to[2]

[2] An act of January 9, 1832, provided for the appointment of three commissioners to manage and superintend the Wabash and Erie Canal Fund, consisting of moneys from the sale of canal lands, loans based on future sales of lands, and money received from tolls and water rights. They were to be appointed by the Governor with the consent of the Senate, and would continue until all loans were repaid. The act authorized the board to contract for a loan of $200,000, at 6 per cent interest, which would be drawn on as needed for construction of the canal; canal lands, rents, and tolls were pledged toward repayment of the loan. *Laws of Indiana,* 1831-32, pp. 3-8. The appointment of Linton, McCarty, and Sullivan to make up the first board was approved by the Senate on this same day. *Senate Journal,* 1831-32, p. 272.

[1] ALS. ISL: Archives Division, Secretary of State file.

[2] La Porte County was created by act approved January 9, 1832, to become effective the following April. After a new county was organized, the Governor appointed a temporary sheriff and coroner to hold an election and set the new governmental unit in operation. Thereafter the sheriff and coroner were elected by the people. George Thomas had been

And for coroner of said new county I would recommend Nathan B Nicholas

And If you repose such confidence in my assiduity & Integrety as will authorise you to appoint me marshal for one of the districts in the collecting the votes for President & vice President of the united states such appointment will be Greatfully recived & duly attended to

I am sir with centiments of Respects your Hbl Sevt

BENJAMIN MCCARTY

PS please direct the Election in the new county Early in the month of April next

[On reverse side of sheet:] RESPECTED FRIEND NOAH NOBLE I have Consulted many of the Citizens of the new County Concerning Benjamin haveing the appointment of sheriff and it is very Cordial to there views. With respects I remain thy well wishing friend AARON STANTON[3]

NB I am Also well sattisfied with the other two proposed names

[Endorsed:] Ex Dep March 12, 1832 Benjn. McCarty is appd. Shff of La Porte County and with his com, the Secy will send out a writ of election for county officers N. NOBLE

Robert N. Williams to Noble[1]

ANDERSON TOWN INDIANA February 8th 1832

HIS EXCELLENCY THE GOVERNOR OF INDIANA

Some 3 or 4 weeks since I as Clerk of the Madison Circuit Court, certified the office of coroner of Madison County to be vacant, in consequence of Mr. Irish, (the coroner elect,) having

appointed sheriff of La Porte County on January 19, but declined to serve. The time of the first election was changed from the second Monday in March to the second Monday in April. There is no record of the appointment of a coroner. In the general election in August, 1832, Adam G. Polke was elected sheriff and John Garrard, coroner. *Executive Proceedings of the State of Indiana 1816-1836,* edited by Dorothy Riker *(Indiana Historical Collections,* vol. 29, Indianapolis, 1947), 497.

[3] Stanton was one of the county commissioners of St. Joseph County.

[1] ALS. ISL: Archives Division, Secretary of State file.

refused to qualify, &c since that time I have frequently solicited the citizens here to join in a recommendation of some fit & suitable person to fill the vacancy which they have hitherto declined The office in this county has become important, the present sherriff (JC Berry,) being verry nearly related to certain persons who have hitherto had, and now have, their names conspicuously placed upon the Docket of the Madison Circuit Court, and against whom judgments have been rendered. It therefore becomes necessary to have the office of Coroner for our county filled by appointment, as per statute, and no other person suggesting to your Excellency the name of any fit person for that office, I as an individual (*interested*) do recommend to your consideration the name of John Allen to fill said vacancy.

I would also suggest to you the propriety of consulting Mr Richmond the former clerk of this court, who has had an opportunity of being well acquainted with the dockets of this court, & the citizens of this county; my object is to have a Coroner who is no way related to any litigant in this court. Your Excellency will discover I do not wish to nominate men and *make* officers for Madison County, for which reason I make the reference to Mr Richmond who is living at your town.

I have the honor to be truely your obdt Servt.

His Excellency N. Noble R Williams

[Endorsed:] Ex Dep Feby 15th 1832 Jno Allen is appd. Coroner for Madison County N. Noble

[Endorsed by Secretary of State:] Appointed 16 Feb 1832

Agreement between Commissioners to Superintend the Erection of the State House and Ithiel Town[1]

[February 20, 1832]

Article of agreement entered into this 20th day of Feb 1832, between the State of Indiana, by Noah Noble, Samuel Merrill and Morris Morris Commissioners to superintend the erection of a state House of the one part and Ithiel Town of the other

[1] Unsigned document. ISL: Indiana Division, Noble Papers.

part witnesseth that the said Commissioners by virtue of the authority vested in them by the "Act to provide for the erection of a State House" approved [Feb. 2] 1832 have contracted and agreed with the said Ithiel Town to erect complete and finish in every part the said state House on the plan adopted by a Joint Resolution of the General Assembly and in conformity with the provisions and meaning of said Act.[2]

The said Ithiel Town covenants and agrees that he will erect and finish said building according to the true meaning of said plan and as follows to wit. The dimensions of the building and of the severall Halls, Rooms and offices as also the style general character and order of the exterior and interior of the building, in all its parts are to be in conformity with six drawings of a perspective view, section, plans and elevation designed, arranged and submitted to the Legislature of Indiana and by them adopted unless alterations from the drawings are herein provided for; in which case such alterations shall have precedence to the drawings in the particulars specified.

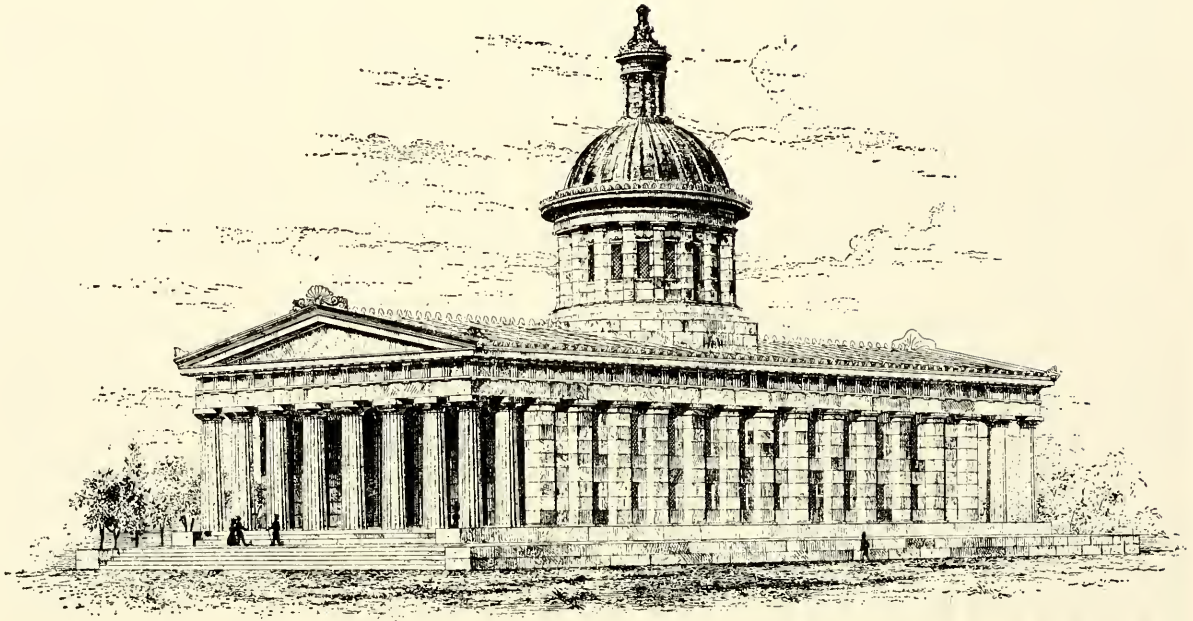
The foundations of the body of the building are to be sunk into the ground of sufficient depth to rest upon the solid strata under the soil, to be five and a half feet thick at bottom, and built of unhewn stone to the height of two feet *battened* or inclined on each side so as to receive the residue of the basement four

[2] Final steps were taken by the General Assembly during the session of 1831-32 toward the erection of a State House. Early in the session James Blake, from the committee appointed during the previous session, reported that Robert Hanna's proposal had been accepted for furnishing the rough and cut stone for the building and that twenty-one different architects had submitted designs. After considering the different plans and designs, a joint committee of the two houses selected that of Ithiel Town and Alexander J. Davis, New York architects. They were asked to submit additional drawings on which a contract could be drawn. A bill was then introduced and passed providing for the erection of the building. Noble, Samuel Merrill, state treasurer, and Morris Morris, state auditor, were appointed in the act to superintend the construction. *Senate Journal,* 1831-32, pp. 87-89, 160-70, 195; *House Journal,* 1831-32, pp. 71-73; *Laws of Indiana,* 1831-32, pp. 96-99, 275. The name of Town's partner is given as S. J. Davis in the *Laws.* See sketches of Town and Davis in the *Dictionary of American Biography,* edited by Allen Johnson and Dumas Malone (20 vols. and index. New York, 1928-36).

and a half feet in thickness and raised to the height of six feet above the stone work, which last wall is to be of hard bricks except as is hereinafter specified. The brick part of the basement is to be composed of two walls each thirteen inches in thickness and two feet four inches apart, to be connected by a brick partition one brick thick directly under each side of the Antae above and by a similar partition in the centre between every two Antae. The same kind of base wall is to be extended round under the columns of each portico with such piers and brick arches as shall be sufficient to vault over the area of each portico in a sufficient manner to support a good hard brick flagging which together with the other stone and brick work in all parts of the building shall be laid in good lime and sand mortar of good materials and proportion mixture.

The steps and buttresses to be of stone suitable for the purpose. So much of the side walls of the basement as shall come to view above the ground or platform of earth, which is to be graduated to a height within three feet of the top of the water table by the state, shall be faced with the same kind of stone *ashler* having the top course on *water table* at least sixteen inches wide on the top, where it is exposed to view between the Antae and so bevelled as to turn off the water as is usual in such cases. The top step and the margin or top Course of the Ashler on the sides, which make the ends of the platforms of the porticoes shall be sixteen inches wide on top, between the columns, thus forming a margin or *stop* on three sides of each portico to which the flagging is to be finished.

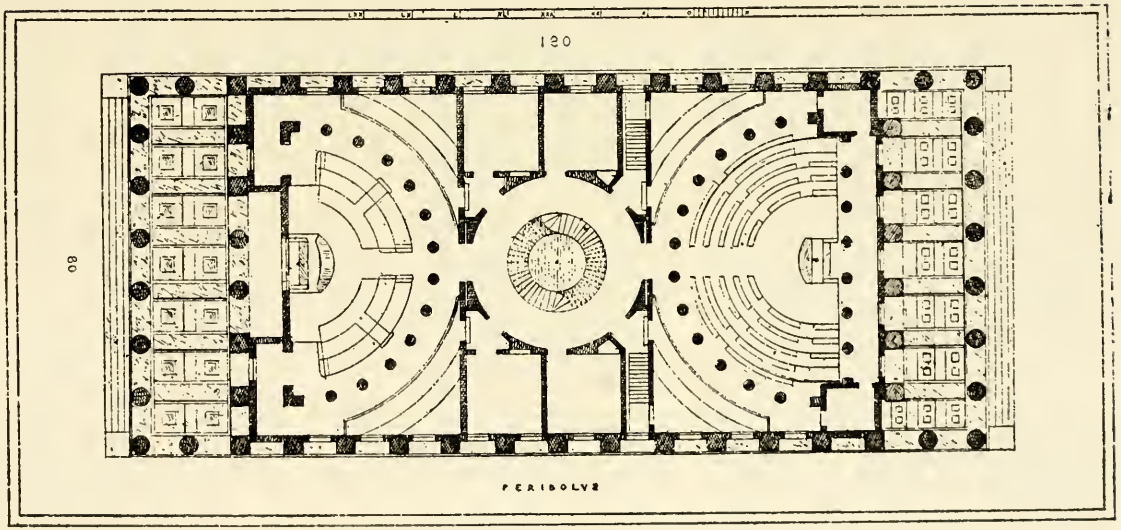
The flagging of the porticoes is to descend from the ends of the building, so as to turn off water, and shall be constructed of well burned and well made bricks bedded in good lime mortar, so as to exclude water. The other steps four in number at each front to shew seven inches rise and fourteen inches tread, and to be in pieces of suitable lengths to make good and substantial work, and are to *lap* about two inches, they are to be supported upon walls either of stone or suitable brick at least a foot thick, either solid or with a pier and arch at right angles to the steps, once in four feet in clear between the walls for the support of the



CAPITOL OF THE STATE OF INDIANA.

I. TOWN & A.J. DAVIS, ARCHITECTS.

CAPITOL, INDIANA. PLAN OF PRINCIPAL FLOOR.



steps or their piers if arched at the top of each shall have a sufficient foundation to be secure from frost.

The top stones of buttresses of the steps shall be of such size and so secured as to make substantial work, and have a wash or bevil at top to turn off the water as is suitable in such cases. All the steps their buttresses and the Ashler shall be either *tooled* or *rubbed* work done in the most substantial manner, well laid and pointed. The Ashler under the water table may be of a convenient and suitable thickness, backed with brick work. The bottom line of all the steps and ashler to be in one horizontal plane, to which the graduation by the state of the ground is to meet the building. Three vertical and flaring openings five inches wide are to be left on each side of the basement to admit light and air.

The foundation of the rotunda and partition walls may be of brick and these as well as the piers shall be of the same depth as those before stated and be one foot broader at bottom than the perpendicular walls above them. The Rotunda walls to be equal to the length of two bricks in thickness from the foundation to the top, but may be laid with openings so as to be from twenty to twenty four inches thick as the pilasters or other ornaments in different parts may require. The other inner walls of the first story to be a brick and a half in solid but may be laid so as to make the walls seventeen inches thick. The basement foundations of the partitions to the first floor to be twenty inches thick including such openings as may be consistent with strength and permanence and piers may be built and arches turned in the straight walls to have the basement more open and unincumbered.

The circular colonades of the Legislative Halls to be made of wood furrings for cement plastering and stucco finishing, with galleries, breast works, lobbies, and stairs with suitable plank seats for the Galleries of the two Halls.

The straight partitions of the second story to be of bricks and built in the same manner as the first story, the height in clear to be thirteen feet in the first and fourteen feet in the second story except the Halls which are to be finished as high as the building will admit as in the drawing.

The first story of the outside walls is to be equal to the length of three bricks in thickness, if made solid but is to be laid in conformity to the drawings forming Antae, with openings in their centres and also openings in the walls in such manner as to make the strongest walls possible. The projection of the Antae from the side walls of the building is to be two feet from the water tables to the entablatures all parts of which except the cornice is to be formed of brick work. The walls of the second story up to the cornice on the sides and the raking cornice of the portico considering the entablature and pedament at each front as added, to the end walls of the body of the building are to average in quantity of bricks equal to a solid wall of two and a half bricks in thickness, but is to be so laid as to correspond with the walls of the first story as before stated and in the entablatures is to be so arranged as to form all the parts and ornaments except the cornices in the best manner practicable with this quantity of brick work leaving openings in such manner as to form the several members, at the same time preserving the centre of gravity of the walls in their several parts in the best and most perfect manner, also turning straight arches from one column to another and from one antae to another quite round the building with such ties and other combinations of security over the columns as have been usual and found effectual in securing the arches from spreading or opening in similar brick buildings of this order and as executed in New York or elsewhere.

The columns as drawn are to be constructed of bricks laid so as to form their flutes in a suitable manner to receive the rough casting, they are to have their sides solid to the average thickness half their height of thirteen inches, and of ten inches, for the residue with their capitals formed in the same manner to admit of rough casting, so as when finished to present in the whole exterior except the cornices the same uniform appearance. The ceilings and other internal parts of the porticoes over head to be furred for lathing and to be rough cast on the laths in the same manner as the other exterior parts and formed to represent blocks of stone as is usual in this part of similar buildings. The cornices to be furred in a suitable manner for covering all

the front or exposed parts with zinc so as to return quite round the lower edge of the *drip* of the facia and Zinc of one lb to the foot is to be put on in a secure manner for keeping out the water; the residue or underside of the cornice to be plastered in the same manner as the other parts of the building and the drops of the mutules to be cast in cement and well secured to their places.

The roof is to project sufficiently to carry off the water without gutters. The frame for the roof is to be supported by posts standing on the walls of the building which posts shall be framed at top into three purlines on each side with braces running the whole length in all cases where it can be so supported, and over the two large Halls to be trussed or otherwise secured so that as to the arrangement size of the timber and workmanship of all its parts, it shall be such as to make the most permanent and secure roof. The roof joints to board upon to be three by four and a half inches, the sheeting seven eights inch and tongued and grooved, together so as to make an even surface and the whole is to be covered with good zinc of one lb to the foot to be put on in the most approved and secure manner now in use, with strips running up the roof under the vertical joining at suitable distances apart.

There is to be a scuttle, which together with the joining the zinc to the walls of the rotunda and chimnies is to be well secured to prevent leaking.

There are to be two fireplaces in the Court Room and two in each of the Legislative halls, with chimney pieces of wood corresponding with the other workmanship of the building and a sufficient number of flues, plaistered on their insides to accommodate all the rooms for stoves which are to be found by the State. The flues are to be in the partition walls and so situated as to require four chimney tops on each side to appear as uniform as may be on the outside which are to be rough cast like other parts of the building The joists for first and second floors to be twelve by three inches, and placed eighteen inches from centres, and the rotunda floor as well as elsewhere if required to be so combined with large timbers as to make them perfectly secure. All the floors to be of ash and laid and nailed in a manner suitable

for such a building To be no floor in the basement or above the second story but rough stairs are to lead to the scuttle.

The Dome of the Rotunda to be formed of plank Ribs, at suitable distances and connected with suitable bridging and so nailed as to make it every way sufficient to support the Cupola at top. it is to be boarded and covered with zinc like the Roof except the boarding may be of square joints and well nailed instead of tongue and grooving. The large ribs, that shew on the outside of the dome in drawing, are to be formed to diverge from the top of the Dome to the bottom and will be for effect principally but small parallell ridges are to be used in each of the compartments so formed *the centre one vertical* and the others parallell to it, and therefore running up till they severally meet those of the large compartments in an angle, one above another as they approach the center one, these ridges are for joining the zinc, as on the Roof. The Cupola to be of wood entirely and well made and secured both for strength and security against the weather and to be painted white. The roof and Dome to be left the natural color of the zinc without painting.

The window frames to be made in the most approved manner, with boxes for weights, with parting beads &c in the pulley stile. The sash to be one and three fourth inches thick made in the best manner and glazed with fourteen by twenty inch crown glass equal to the imported Dumbarton Crown. The glass to be bedded in putty of good quality tinned and well cleaned when set, the lower sash of all the windows to be hung with weights and cords to slide up and the upper sash of the Halls to be hung in like manner to slide down and there shall be fastenings to the lower sashes of the first story to hook them to the sill. There shall be window sills of free or sand stone for all the windows to be *rubbed or tooled* work of suitable dimensions, the caps to be of brick for rough casting as drawn in the plans.

The two FRONT Doors to be furmed into large pannels and to open into two folds each from the centre as high up as may be admitted by the second floor, the part above to be formed by permanent casings, so as to appear like a part of the doors *shut to* yet to be uniform on the outside; the inside of the upper part

to be plastered as the other parts of the wall, the parts that open to be formed of thick plank lined with plane narrow inch and a qur [?] stuff on the inside to form the pannels and on the margin of the outside to be lined in like manner, nailed on securely with large ovolo mouldings let into the pannels on the outside, thus making these doors six inches thick: they are to be hung with pivot hinges, with a strong bottom bolt to both sets of doors with a good and suitable lock on one set and a middle bolt to secure the other set. There are to be Stone Thresholds to the two front doors, in not more than two pieces each with a suitable bevel at top next the floor.

The column, antae, brick walls, entablatures ceilings of the porticoes and outside of the Rotunda with its Antae are all to be Rough Cast with the best lime and sand cement, to be put on in the best manner after the walls have been cleansed of all dust and loose particles: the Rough cast to be made true and regular on its surface free from unevenness in the surfaces and angles, all parts to be well and truly floated, and wrought with straight edges and the whole surface is to appear as when left by the float and straight edge. All the ornaments about the outside walls are to be formed with bricks and mortar and to correspond in character with the Doric Order of the Parthenon at Athens. All parts of the Rough casting are to have lines representing *joints* after the appearance of marble or light colored free-stone-Masonry: to which end the surface is to be stained with mineral colors so as to give different shades to different apparent blocks of stone and a grain or stratification appearance to others in such manner as to imitate the characteristic natural colors of stone work from the same or similar quarries

All the Ceilings of the rooms and halls are to be furred with narrow inch strips, four nailings to a four foot lath which strips are to be nailed to the floor joists in the first story and to suitable furrings and other suitable timbers put up to form the ceilings of the second story. The ceilings columns and entablature of the two Halls are all to be furred with wood for plaistering and stucco work for all the ornamental finishing drawn, so also for the ceiling of the Rotunda and all enriched or ornamented mould-

ings are to be *cast* and executed in the best and most workmanlike manner.

The Columns of the Halls are not to be fluted but plaistered plain with a hand finish, and made smooth and regular with their capitals well finished. There are to be two Lobbies to each of the Halls of such size as said Commrs. may designate with galleries of good size over them also a staircase to each gallery from the Lobbies as may be preferred by Comrs

Except what has been required in the Halls Rotunda and a plain cornice in the Court Room, the other Rooms are to be well finished in a plain and substantial manner, without furniture or other fixtures, the Galleries to be completed in a neat substantial manner with plank seats.

The Plaistering throughout the building to be upon the brick walls and partitions, except the wood as before stated, and is to be the best kind of two coat plaistering the first coat to be floated and left true for the second, which is to be of fine well proportioned finishing, of the best kind and proportion of lime and fine sand free from loam The doors are to be partly cased before plaistering, so as to form a true ground to float and finish to, the other moulding to be put on afterwards and to project back from the ground so as to cover the joint between the plaistering and architrave and the same provision is to be made in other cases where architraves or bases join the plaistering. There are to be double architraves to all the doors and windows in the Halls, court room, and entries with neat caps either of stucco or wood: the other rooms to have plain architraves to the doors and windows and suitable bases to accord with them. All the principal doors inside to be one ¾ inches thick, which as well as all other inside finishing is to be of good and from well seasoned timber: those doors which open from the principal entries into the Halls and Court Room are to have sunk pannels and moulding on both sides, the others on the side next the entries only, and all to have eight pannels each, to be made in the best manner, and have good knob locks

The Staircases in the Rotunda are to be constructed as drawn in the section, two entire flights with railings on the right and

left of each flight, the frame work is to be so secured from the landings above by iron and supported from the floor below as far as may be without encumbrance to the elegance and convenience of the passages as also from their own internal form and combination as to render them permanent and secure; the steps and risers to be of such wood and so constructed as to make the best kind of stairs. The rails to be of walnut or cherry and moulded in the neatest manner to be worked out of the solid and secured at the but joints with screws and nuts; the banisters to be dove tailed into the steps and driven in with glue, scarfed to the underside of the rail and secured by wood screws and glue; they are to be two inches square and curved to a neat pattern leaving 2 ½ inches at the top and bottom of each square. The rail and banister on the level landing above are to be of the same size pattern &c and all to be oiled twice. The four newells to be of walnut or cherry five inches square and turned to a handsome pattern, with the top

The President of the Bank of the United States to Noble[1]

BANK OF THE UNITED STATES February 25, 1832

DEAR SIR: I have had the honor of receiving your letter of the 7th inst. covering a copy of a joint resolution passed by the General Assembly of the state of Indiana, requesting the establishment of one or more Branches of the Bank of the United States in that State;[2] and also a memorial signed by many members of the Legislature of that state, recommending Indianapolis as a proper location for a Branch.[3] These documents were yesterday submitted to the Board of Directors, from whom they will not fail to receive the attention and respectful consideration due to an expression of the wishes of that growing and prosperous commonwealth, as well as to the personal character and standing of the gentlemen who have signed the memorial. As soon as the decision of the Board of Directors is made, I will have the honor

[1] Indianapolis *Indiana Journal,* October 13, 1832.
[2] Printed in *Laws of Indiana,* 1831-32, p. 288.
[3] Not found.

to communicate it to you.[4] And in the mean time, I remain, With high respect, Yours,

N. Biddle

His Exc'y. Noah Noble Gov'r of the state of Indiana

Noble: Notice of Lyceum Meeting[1]

The Indianapolis Lyceum will commence its operations as a society at the Senate chamber on Wednesday evening next at 7 o'clock, when Lectures will be delivered by three members of the society. After the close of the Lectures there will be an opportunity of joining the society.[2]

Lyceums have, in many places, commanded the attention of the wise and good—and it is confidently expected that the ladies and gentlemen of Indianapolis will consider it their pleasure to attend.

March 10. N. Noble, Pres't.

Noble to Senators John Tipton and William Hendricks[1]

Ex Department Indianapolis 14 Apl 1832

Gent. In accordance with the provisions of the laws of Congress, and the instructions given under them regulating the survey

[4] President Jackson's veto in July, 1832, of the bill to recharter the U. S. Bank put an end to the hopes of obtaining a branch in Indiana. A writer in the issue of the *Journal* carrying this letter voiced the belief that if it had not been for the veto, "one or more branches would before this time . . . have been located in this state; and then, instead of paying 40 or 50 per cent, for money, and finding none to lend even at that rate, it could have been obtained at 6 per cent."

[1] Indianapolis *Indiana Journal,* March 10, 1832. See above, 75-76, for the proceedings of the meeting to organize a lyceum.

[2] The *Indianapolis Journal* of March 17 gave a report on the meeting. It was held in the courthouse rather than in the Senate chamber. The speakers were Ithiel Town, who spoke on lyceums, Dr. Isaac Coe on chemistry, and Dr. Samuel G. Mitchell on music. Twenty new members joined the society.

[1] ALS. ISL: Indiana Division, John Tipton Papers. This letter is printed in *Senate Journal,* 1832-33, pp. 209-11. See above, 82-86n, for Noble's report to the House of Representatives on the same subject.

& sale of the Public Lands in the then Territory of Indiana, the surveyor returned Sec. 25 T. 6, R 1 W, as a "Saline Reserve" and it has not only remained marked on *the official map,* as a "Saline Reserve," but the Surveyor Genl's Plat & Field notes represent it as a "Lick Section" containing *"an extraordinary salt lick said to be superior* to any in the Territory." It was consequently reserved from sale in Sept 1804 and marked "U.S." (the usual mark), on the official schedule of quantities. At and about the period of the sale of the lands of the District, one Chas Deford erected salt work, on this section, and operated them some years with success, when he sold out to one Aaron Schogin [Scoggin], who continued to manufacture salt for several years & until the price of the article was reduced by competition and the introduction of salt from other works. Some time during the year 1814 Daniel Perine claimed the right to enter the S. E Qr of the section, on the ground, that he had erected a grist mill thereon, but the officers did not permit the entry on account of its being a part of the Saline Reserve, in consequence of which, he applied to Congress & the act of May 1815 passed authorizing his entry to be made, tho at the instance of the Recr. & Reg an examination and report had been made, declaring that the *S E Qr,* contained no Salt Spring

By the acceptance of the five propositions of the 6th section of the Act of Congress of April 19th 1816, enabling the people of the Territory to enter into our present grade of government, the right of property to the remaining three quarters vested in the State of Indiana, if she, by the acceptance of the 2d proposition, acquired *any thing,* for our title to these can be more easily traced and established by living witnesses and the records of the Country, than to any other property which we claim and occupy under that proposition. The first Legislature that assembled after the acceptance of the 2d proposition & the adoption of our Constitution, (Dec. 1816), took up the subject of our Saline Reserves, and so early as Jany 2d 1817, Gov. Jennings, with the sanction of law, appointed Malhon Brown Superintendent of this Reserve, who on behalf of the state, took possession and leased it to sundry persons, and as the agent of the State, performed various official

acts until March 1822 when he resigned. On the 11th March 1822 his place was filled by the appt of a successor, Jno. Perrine, who discharged the duties of the place until he removed from the State. A law of the State as revised and amended in 1824 empowered and enjoined it as a duty on the President Judges of the several circuits, to grant leases to the salt spring reserves, and there is now an unexpired & out standing lease of this section, made to D Guard by the Hon. M. C. Eggleston, in Jany 1830, under which Guard let out the reserve to Mary Muir John Davis and Thomas Branan. Some time during the past year these tenants were induced to beleive they were entitled to the reserve under an alleged preemption claim, and it was proposed that they should appoint Amos Lane their Atty in fact, with power to sell & convey, and that as they were destitute of funds the money should be provided, and from the sale of the lands, each tenant should have one hundred dollars. Accordingly the tenants, Mr Lane and Levi Miller, who shared with Lane in the speculation, presented themselves at the Land Office, and applied for the entry of the Reserve. The application not succeeding with the officers Mr Lane went to Washington to urge the claim before the Com. of the Genl Land Office, by the authority of whose letter to the Register, the object of the parties was consumated on his return to Cincinnati and the patents immediately issued. That the Commissioner erred in his decission there can be no room to doubt. James Noble, late Senator, by letter in Jany 1826 among other inquiries asked the commissioner if this section was "considered under the head of grants to the states"—that letter was refered to the Register at Cincinnati, who, in reply pointed out the law, under which the section was reserved, and the fact, that all lands in the State returned as containing salt licks or salt springs, had been granted to the State, should not have escaped his notice—Besides the Register in submitting the application of Mr Lane to the Com. informed him that this section had been long known and *"designated as the lick section or saline reserve."* The Recr. in laying Lanes application before the Com. also informed him, that the land was worth "ten or twelve dollars per acre, and *that salt had actually* been made on the reservation" and the same

officer by letter of the 23d July 1832, not only suggests that it would be wrong to suffer Mr. Lane to make the entry, but urged the Commission to revise his decission "in favor of Amos Lane" and then continues "Gard assures me that the land was distinctly reserved, that it can be satisfactorily proved that *large quantities* of salt have been made on it, and that *the State of Indiana has long had it in possession and in care of an agent.*" The correspondence here refered to you can obtain at the Genl Land Office With this outline of the history of our title and the recent transaction by which an advance claim or conflicting title has originated, I herewith transmit a Joint Resolution of the Legislature on that subject and request you to take such steps as will meet the indicated wish of that body.

Exertions to obtain some further information have delayed the forwarding of the resolution to the Indiana delegation until now

With great respect I am Gent. Yr obt svt

N. Noble

The Hon Jno Tipton & Wm. Hendricks Senators &c.

John W. Davis to Noble[1]

Carlisle May 2d 1832

Dear Sir I recd. by last mail your very flatering letter of the 23d ult enclosing an order for some cavalry arms for some of my good friends in Sullivan. Your explanation of the delay is entirely satisfactory, and I regret that I was urged to be so importunate on the subject— I have some idea of representing the people of Sullivan next year (they consenting)—I am as yet without oposition though our old friend Geo Boon has a strong inclination for his old post—urged as I believe by persons remote from the county[2]

[1] ALS. ISL: Indiana Division, Noble Papers.

[2] Davis had been a representative from Sullivan County in the preceding Assembly and was re-elected in 1832. He was appointed one of the commissioners to treat with the Indians in 1832. See below, 138n. He served two terms as representative in Congress, 1835-37 and 1839-41, then was defeated in his bid for re-election. He returned then for two terms, 1843-45 and 1845-47, serving as speaker during the latter. He

My interest would be made to suffer in this county if it could be done by crying up "half Jacksonian" by a set of men who in 24 were Clay men in 28 Jackson men, and who at present would be any bodies men that would bid highest. Be my course in general politics right or wrong it has at least the merrit of being consistant.

I now make my respects to Mrs N and accept for yourself my warmest wishes for prosperity

Your obliged friend

J. W. Davis

Noble to Jacob Walker[1]

Ex. Department Indianapolis, Sunday, May 27, 1832

Sir—The express charged with the delivery of the communication from the field officers of 62nd. Regt. and yours of Friday last with the one from Mr. Newal, has performed the duty assigned him.[2]

also served as representative in the Indiana House in the following sessions: 1841-42, 1842-43, 1851-52, and 1857. He is identified as a Democrat in the *Biographical Directory of the American Congress, 1774-1949* (U. S. Government Printing Office, 1950), 1062. He served as president of the Democratic National Convention that nominated Franklin Pierce for President in 1852, as United States Commissioner to China from 1848 to 1851, and for a brief period as governor of Oregon Territory, 1853-54.

[1] Logansport *Cass County Times,* June 9, 1832. Walker had been commissioned brigadier general of the 20th Brigade on February 2, 1832. He was a resident of Tippecanoe County. Secretary of State's Record of Militia Commissions, 1822-47, in Indiana State Library.

[2] The express announced the outbreak of hostilities in northern Illinois between Black Hawk's band of Sauk and Potawatomi Indians and the Illinois militia. Trouble which had been brewing for some time came to a head when a group of three hundred disorganized militia under Maj. Isaiah Stillman seized three Indians who had come to their camp, on Rock River below the mouth of Sycamore Creek, under a flag of truce. Angered by this treatment, Black Hawk and a band of thirty or forty Indians then attacked and routed the military forces on May 14. Reports of the encounter spread rapidly and became exaggerated as they spread. It was feared that the Indiana Indians might join the western tribes and expose the northern and western frontiers of that state to Indian vengeance. Governor Noble ordered the militia companies in the northern counties to rendezvous and in addition sent a

The steps taken by yourself and the field officers to avert the danger threatened; and add to the safety and repose of our frontier are approved.

In the event that the desired force of 200 should not have been raised as contemplated at the meeting of the 62nd. Regt. on yesterday, you will immediately require officers of your Brigade with their entire command to repair to the designated rendezvoux and point of danger. If not previously determined, you will assign (consulting the wishes, as far as you can, avoiding delay,) the command of the detachment to a field officer of the 62nd. Regt., and accompany it yourself [if] in your discretion it seems best. Mounted men are best suited to the occasion, and if not supplied with horses arms & provisions, you will procure them wherever you can find them, leaving with the owner a certified description of the property taken for public use. And to hasten the expedition, it may be well to inform some officers forthwith to procure such articles by seizure or otherwise. To pursue the tardy routine of the law in making a requisition on the division to which you belong, extending 150 miles north and south would be to commit the lives and property of our country to the mercy of savages. And as we have to travel beyond the limits of the law, if we consult the safety of the frontier, it will be necessary to call to your aid, as it regards the expedition and requisitions on the time and services of our citizens, all the caution and prudence that the safety of the frontier will allow.

If you find since the date of your communication that the Indians are increasing and continue to penetrate the settlements west of the Wabash you will of course extend your call for men

company from central Indiana to the northern border. Many settlers fled southward, and others built blockhouses and prepared to defend themselves. The measures were unnecessary. The Indians moved northwestward and were decisively defeated in the battle of Bad Axe which occurred on the Mississippi in Wisconsin near the mouth of Bad Axe Creek on August 2. R. Carlyle Buley, *The Old Northwest. Pioneer Period, 1815-1840* (2 vols. Indiana Historical Society, 1950), 2:69-80; Ella Lonn, "Ripples of the Black Hawk War in Northern Indiana," in *Indiana Magazine of History,* 20 (1924): 288-307. A number of the letters that follow have to do with this, so far as Indiana was concerned, pointless affair and the payment of claims arising therefrom.

to meet the exigency. Maj. Gen. Orr will be directed to repair to the Wabash and take such measures as circumstances seem to require.

JACOB WALKER, Brig. Gen. NOAH NOBLE
20th Brig. Ind. Militia.

Noble to Joseph Orr[1]

EX DEP INDIANAPOLIS 27. May 1832

SIR, By an express from Brig Genl Walker and the Field officers of the 62 Regt. I am informed the Indians have penetrated the Settlement west of the Wabash and that the frontier is not only in great alarm but in iminent danger of a descent from the savages now assembling.

The 62d Regt. convened yesterday under an order from its officers with a view to the organization of a corpse of 200 men to proceed to hickory creek where it is said, the Indians have burned the dwellings of the inhabitants since their flight for safety to the Wabash, You will therefore repair to the Wabash and in your discretion take such steps as circumstances may require, as relates to the procuring of, arms provisions, and the calling a sufficient force to the field, by entire companies, if encreasing dangers demand it, or by requisition on each Regt. as pointed out by law if a stronger measure is not called for by the attitude and movements

[1] ALS. ISL: Indiana Division, Noble Papers. Orr, a state senator from Putnam County, had purchased land in the present La Porte County in 1831 and had gone there in May, 1832, to take possession and begin improvements. He had been commissioned a major general of the Eighth Division, Indiana Militia, on December 29, 1830. After receiving word that the Indians were on the warpath, Orr consulted with the commandant at Fort Dearborn and with Gen. Henry Atkinson in Illinois. He received orders from Noble on June 26 (see below), whereupon he organized a company of about one hundred men which met at Attica and was then placed on duty to patrol the frontier between the Wabash River and Chicago until the danger of Indian attack was over. See also Noble to Orr. July 11 and August 6, and Orr to Noble, July 5 and August 21, 1832, below; Jasper Packard, *History of La Porte County, Indiana* . . . (La Porte, 1876), 55-59; Secretary of State's Record of Militia Commissions, 1822-47.

of the Indians. If deemed necessary you will cause to be procured, where ever they may be found, all the arms, Horses provisions ammunition &c. needed for this service. Herewith you have an order given for the government of Genl. Walker, which you will have carried into effect when you reach the place of rendezvous, so far as it may not be executed and which is, in fact, designed for your government.

N. Noble

Majr Genl. Orr

Noble to Senator John Tipton[1]

Indianapolis 31st May 1832

The Hon Jno Tipton

Dr Sir, You are well acquainted with the fact, that many of the emigrants to this and the states in which the public lands are situated, leave other states without having provided themselves with homes and that such persons, *daily* and almost *hourly,* are locating themselves on these lands, either to enable them to look around or with a view to the subsistance of their families. Such instances are known since the date of the late preemption law and although the act has not fixed a period for the settlement, that would cut them off, as in the first law, but extends the privilege to all actual settlers for the term of six months, the officers here are of opinion that the right does not extend to such persons. The instructions from the Dep, as I think, would include them. I will thank you to have an interview with the Secy of the Treasury and obtain his opinion on the subject. See the instructions given the land officers, and as early as you can advise me of the result.[2]

Your letter on the subject of the arms desired by the officers of the Light Company at Mount Vernon has been recd. The act of the legislature regulating the distribution of the public

[1] ALS. ISL: Indiana Division, John Tipton Papers.

[2] Noble refers to the act of April 5, 1832, which gave to actual settlers the right of pre-emption to enter, within six months after the passage of the act, forty acres including their improvements thereon. U. S. *Statutes at Large,* 4:503. No answer to this query has been found.

arms leaves but little to executive discretion and seems to contemplate an equal division amongst the Brigades taking into the account past deliveries. With that latter view the Comdts. of Brigades were directed to report the number and description heretofore distributed in their respective Brigades but owing to the delinquencies of the Brigadier generals in making their reports I am not able to say whether the Brig. including Posey County will be entitled to a further apportionment or not. Their claims shall be duly weighed when the reports come in

Respectfully Your obt svt

N. Noble

[Addressed:] The Hon John Tipton U. States Senate Washington

Noble to William Marshall[1]

Ex Dep. Indianapolis 4 June 1832

Dear Sir, From the positive and public declarations of such men as Gov. Reynolds and others it would seem that, at least, a portion of Potawattomie Indians are engaged in the war recently waged in the north west. This belief is confirmed by the opinions entertained and suspicions avowed by our frontier inhabitants who say the young men of that tribe have mysteriously withdrawn from the nation and that the old men appear unwilling to account for their absence. In making this communication to you my object is to call your attention to the subject and in the event that you are not well informed of the pursuits of the young men and where they are, to suggest the propriety of sending out suitable persons to make tours of observation and if adviseable to *direct* the Chiefs to send out and summon them home, at the same time assuring the Chiefs that if the forces on the frontier should fall in with their young men off their own lands we will not be responsible for their safety. Upon the receipt of this or after making dis-

[1] ADftS. ISL: Indiana Division, Noble Papers. Marshall had been appointed Indian agent in Indiana in place of John Tipton, after the latter's election as U. S. senator.

coveries if any be necessary I will be glad of a communication from you.

Respectfully, Yr. obt. st.

N. Noble

[Endorsed:] Copy to Marshall

Noble to Alexander W. Russell[1]

Executive Department, Indianapolis,
Monday, June 4, 1832

Sir: An express has just arrived from the citizens of the Elkhart and St. Joseph country, with the intelligence that great alarm prevails throughout that region in consequence of information communicated by letter from the commanding officer of Fort Dearborn, at Chicago, that fifteen men, women and children, have been murdered, and that the hostile Indians are assembling within forty miles of that place, in which he asks for the aid of three hundred mounted riflemen from the Michigan militia. Separated as they are from us by the Indian territory, destitute of arms and ammunition, and without organization, as yet under our militia law, our citizens apprehend great danger for their safety, so much so, that many will leave the country, emigration will cease, and the pursuits of husbandry will be greatly disturbed. Apart from the higher considerations, those of the protection we owe to the lives and property of the citizens, that of the importance of the growth of that part of the state, with the contemplated improvements in the north, should induce us to afford every facility to the settlements of that quarter, and the subsistance of its inhabitants.

To afford the protection desired, to quiet the public mind, and enable the inhabitants to cultivate their farms in peace, you will, by voluntary enrolment, organize a force of one hundred and fifty riflemen from the 40th regiment, with the privilege of electing their captains and subordinate officers, to be employed from two

[1] Madison *Indiana Republican,* June 14, 1832. It also appeared in the Indianapolis *Indiana Journal,* June 9, 1832, and perhaps in other newspapers of the period.

to three weeks in reconnoitering the north-western frontier. The detachment will rendezvous at this place on Saturday, equipped for the service, when you may be joined by a company from each of the regiments in Hendricks and Johnson counties.[2]

In calling this force to the frontier to protect and put to rest the fears of our exposed inhabitants, as well as to put to flight plundering parties of the hostile Indians, if any, I will not withhold the opinion that there will be but few, if any further requisitions, on the time and services of our citizens.

N. Noble

A. W. Russell, Col. Com'dt. 40th Regt. I.M.

Noble to John Wishard[1]

Ex Dep. Indianapolis Monday 4 June 1832

Sir, By a communication conveyed by express from the settlements south of Lake Michigan, I am advised of the massacre of fifteen men women and children near Chicago and of the assembling of the hostile Indians in that vicinity, threatening the safety of the frontier. The inhabitants in that section of our State are cut off from us by the Indian country lying between and have called for aid at the hands of their countrymen in the protection of their lives and property. You are therefore authorised and requested to raise a company of fifty mounted Riflemen, equiped for the Service, and to rendezvous at this place on Satur-

2 See Noble to Wishard, below, for the call extended to the Johnson County militia. The men from the three counties met in Indianapolis on the ninth, mounted and armed with rifles and knives. They were organized into three companies and placed under the command of Colonel Russell, then left the following day for Chicago. From thence they went to South Bend and returned to Indianapolis on July 3 without having encountered any hostile Indians. Sulgrove, *History of Indianapolis and Marion County,* 109-10.

1 ADftS. ISL: Indiana Division, Noble Papers. Wishard had settled ten miles south of Indianapolis in 1825. He was colonel of the 59th Regiment, Indiana Militia. For a sketch see Jacob P. Dunn, *Greater Indianapolis. The History, the Industries, the Institutions, and the People of a City of Homes* (2 vols. Chicago, 1910), 2:1244.

day next when you will join a detachment organized by the Col. Comdt. of the 40th Regt.

For your further information I herewith transmit 50 copies of the orders to the Col of the 40 Regt. for distribution in your Regt.

N. Noble

Col. Wishard Johnson County.
[Endorsed:] Copy to Wishard & Nichols

Noble to Senators John Tipton and William Hendricks[1]

Indianapolis June 7th 1832

Gentlemen, The recent defeat of a portion of the Illinois militia, with the approach of the hostile Indians towards our frontier, threw our exposed settlements into great consternation and alarm, so much so, that the inhabitants fled to the east of the Wabash in hundreds, deserting their settlements more than forty miles in extent. To allay the excitement, prevent the breaking up of those settlements, with the disastrous consequences that would follow, the want of subsistance for the next year, the checking of the current of emigration, and the general disturbance of the growth and prosperity of the north and northwest, so important to the state now that she has embarked on her public works in that quarter, I felt myself called on, in compliance with an urgent request of the Brig. Genl. and field officers near the deserted districts, communicated by express, to order out a force of two hundred mounted riflemen. The detachment after making an incursion to the Indian territory and scouring the frontier has restored tranquility and induced the people to return to their crops and is now discharged. I regret however to have to say there is fresh cause of alarm, in another quarter, and of wider range than the one related. On Monday an express reached me from the new counties, beyond the Indian territory and south [of] Lake Michigan, asking protection, by which I am informed some

[1] ALS. ISL: Indiana Division, John Tipton Papers. A draft of this letter is in the Noble Papers.

of the inhabitants are removing, others are building forts and that the scenes of alarm and distress are very great. The excitement has grown out of a call made on Col. Austin of the Michigan militia for 300 mounted riflemen, by the commanding officer of Fort Dearborn, apprising him (Col. A) of the massacre of fifteen men women and children and of the assembling of the Indians within forty miles of Chicago.

On Saturday two hundred and fifty mounted volunteers will leave this place and pass from Lafayette west of the Kankakee [MS illeg.] to Chicago, thence to the settlements near the Lake, which I have no doubt will put to rest all apprehensions for their safety. Owing to the failure of the crops last year, you are aware of the prevailing scarcity of provisions; by this Genl Walker was driven to the necessity of procuring a supply on the faith of the public credit, and I now call your attention to the subject with the hope that you will be able to provide funds for such engagements before you leave Washington.

I am Gentlemen most respectfully Your obt svt

N. Noble

[Addressed:] The Hon John Tipton and The Hon William Hendricks Senate of the U States Washington

[Endorsed:] a[nswered] 14 [16] June

Noble to [Commissioners of Wabash and Erie Canal Fund][1]

Ex. Dep. Indianapolis 12 June 1832

Gentlemen, The legislature at its last session directed me to assertain the terms on which a loan could be obtained with a view to an investment in the stock of a company who was, by an act of incorporation authorised to throw a Bridge across the Ohio River at the Falls. This duty allow me to commit to your charge

[1] ALS. ISL: Archives Division, Wabash and Erie Canal file. The Canal Fund commissioners were William C. Linton, Nicholas McCarty, and Jeremiah Sullivan.

whilst in the money market, and for that purpose I furnish you, herewith, a copy of the Joint Resolution.[2]

I am gentlemen Sincerely and respectfully your very obt svt

N. Noble

Senators William Hendricks and John Tipton to Noble[1]

Senate Chamber, 16th June, 1832

Dear Sir: We have just received and read yours of the 7th present month, and hope we shall be able ere leaving this to procure funds for the pay of such portions of the militia of Indiana as have been called into service, and also to meet all necessary engagements for provisions. An appropriation for purposes of this kind has already passed.[2] It is also proper for us to inform you that a law has passed authorizing the raising of 600 mounted rangers for the protection of the north western frontier. Of this force it is expected that two companies of 100 men each will be raised in Indiana, and we understand that Lemuel Ford, of Charlestown, and Benjamin V. Beckes, of Knox county, have been designated by the President to raise these companies.

There need not be the remotest doubt of a most efficient protection of the frontier in a very short period. Genl. Scott, of the army, as we are informed, has been ordered to the seat of war, and as much of the army as are at posts within reasonable distance will be immediately concentrated on that frontier. Chicago will be strongly garrisoned, the condition of the most exposed

[2] The resolution requested the Governor to learn the terms upon which a loan of $100,000 might be obtained by the state. *Laws of Indiana,* 1831-32, p. 276. For later reference to this see below, 161.

[1] Indianapolis *Indiana Journal,* July 7, 1832. This letter is also printed in *The John Tipton Papers,* 2:631-32.

[2] In a letter from Tipton to his constituents, June 19, 1832, he wrote that Congress had appropriated 300,000 dollars to defray the expenses of the militia, that had or might be called into service. The money had been placed in the hands of the proper accounting officers. Tipton also wrote to Lewis Cass, secretary of war, about drawing upon this fund, to which Cass replied on July 4 that appropriations from the fund would depend upon the circumstances of the cases as they came before the War Department. *Ibid.,* 2:635, 649-50.

settlements of Indiana will soon be one of the most perfect security, and it is hoped that alarm will wholly cease.

With great respect, Your obedient servants,

William Hendricks,
John Tipton

Governor Noble

Noble to Joseph Orr[1]

(A Copy)

Ex. Dp. Indianapolis 26th of June 1832

Sir—you will upon the reception of this order organize a company of volunteer mounted rangers to be employed along the western line of our frontier for the term of three months, Keeping up an intercourse between our Wabash settlements and Chicago by selecting suitable stations, near the intermediate settlements, and Keeping out parties of observation with daily communication. This corps you will either take command of yourself or commit it to an officer to be selected by the company with the understanding that your official services will be required in your division in the event that a call is made from the U. States officer in the N. West on the Militia of this state.[2]

Provisions, forage &C you will procure until funds are provided for that purpose.

N. Noble

Major Gen. Jos. Orr

[1] Copy. ISL: Indiana Division, Noble Papers. Printed in Packard, *History of La Porte County,* 55-56.

[2] On June 15, 1832, an Act of Congress was approved authorizing the President to raise mounted volunteers for the defense of the frontier and providing for their compensation and pay. U. S. *Statutes at Large,* 4:533. See also Noble to Orr, July 11, below. An act was later passed allowing compensation for horses lost by the rangers. See below, 181n.

Charles W. Ewing to Noble[1]

Logansport June 30th 1832

His Excellency Noah Noble

Sir, Inclosed is a petition recommending the remission of a portion or all of a judgment rendered at the last term of our court against a Miami Indian & his sureties, upon a forfeiture of a recognizance for his appearance to answer to an Indict. for an assault & Battery with intent to kill. This application your excellency will perceive is signed by the court unanimously, by the prosecuting atty, clerk, members of the Bar & citizens generally with a knowledge of the circumstances.

The Indian committed the offence whilst intoxicated (having been made so by the whites) & in retaliation in the indian mode of an assault first made by the prosecutor upon him, he having first struck the Indian with a club—no serious injury was done the white man. The indian offered in this way to pay for the injury which was refused. The deft. was not taken by the sheriff, but at the request of the chief he entered into the recognizance under an intimation that the payment of a small sum would satisfy the white people—The indictment was not proved at the last term & the Indians would not feel aggrieved if they are required to pay a small sum, but would consider themselves deceived & imposed upon if they are required to pay the whole amount. The Indian agent & subagent recommended your excellencys interposition in his behalf. If any case of this kind justifies the exercise of the Executive prerogative I humbly think this is one of them.

Your Excellency will understand the habbits & customs of these Indians & their notions of liability to any laws but those of their own. And when public justice is satisfied & the wishes of those residing immediately within the vicinity of the depredation is consulted I trust your Excellency will feel no hesitancy in granting the indulgance asked for by the petitioners.

Be pleased to transmit by mail to me the result of your consideration of this subject as soon as convenience will permit. Our

[1] ALS. ISL: Archives Division, Governors' Correspondence.

Indian payment is expected to take place in a short time when we wish to apprize the Indians of the result of this application.

With great respect I remain your friend & humble servt.

C. W. Ewing

[Addressed:] His Excellency Noah Noble Governor of the State of Indiana Indianapolis

[Endorsed:] Ex Dep 12 July 1832 Four hundred dollars of the within fine remitted. N. Noble

Joseph Orr to Noble[1]

Iriquoise [Ill.] July 5th 1832

His Excellency the Governer of the State of Indiana

Sir—In pursuance of your order, dated June 26th, a coppy of which is hereunto annexed I made a requisition on a number of counties in my Division for their quota of the company to Rendezvous at Attica on the 2d day of July armed accoutred for the service and provided with 10 days provision. The call was promptly obeyed: and at so early an hour on the day of Rendezvous as to enable me to organize the company on the same day.

Eliakim Ashton, Jesse Davidson & Henry Slavens were duly elected first, second & 3d Lieutenant as their names are here stated. The necessary staff and non-commissioned officers were regularly appointed, which together with the commissioned officers & Privates, their names places of residence and value of property will more fully appear by the annexed roll.

Mr. Isaac Coleman has engaged to furnish the necessary supplies, who together with James Gregory commiss[ary] have entered into bond payable to the state of Indiana for the faithful discharge of their respective duties. The original Bonds are herewith enclosed.

Cols. James Gregory & Daniel Sigler were appointed as appraisers and after being duly qualified discharged that duty. Their certificate is hereunto annexed.

[1] ALS. ISL: Indiana Division, Noble Papers.

We took up the line of march from Attica on the 3d & arived here on today all in good condition & good spirits.

I shall make a small deposit of provisions here and leave a small corps of observation under the command of a Lieutenant. From this place we will take up the line of march tomorrow for Kankakee River thence to some point on Hickory creek—where I shall select a suitable point to opperate our Range from. I shall immediately inform the commandant at Chicago and such other posts near thereto and to the Commandant of the U. S. force in the N. W. of the object of our expedition and open a regular communication with our frontiers in the north part of the state and with the Wabash frontiers. Lafayette will be the point on the Wabash to which I shall send all communications to you and the point at which I wish to receive such instructions as you may see propper to give by mail unless you should designate some other point.

We have ten days provision along beside requisition made on each individual of the company and will have no difficulty in keeping up a supply and if necessary could supply a large acquisition to our force

Your attention is respectfully requested in makeing the necessary arrangements for the pay of supplies &c, and to the propriety of notifying the war department of our expedition &c also to the propriety of notifying the commandants of the U. S. forces in the North west of our being on the line designated in your order with a request that in case our place should be supplied by the U. S. Rangers that we should be called on to act with the main army on such other service as will give our corps an opportunity to test their willingness to meet any service.

I have the honour to be your obedient servt.

Joseph Orr commandant
of the Ind. mt. volunteer rangers

His Excellency N Noble Indianapolis Ind.
[Postmarked:] July 8 Lafayette

Lucius H. Scott to Noble[1]

Terre Haute 5th July 1832

His Esq Noah Noble

Dr Sir When the militia were first called out to meet the Indians I wrote Genl Tipton & called his attention to the total dist[r]ibution of fire arms fit for service in this Section of the State, & requested him to procure An order from the war department upon the arsenal at Pittsburgh for the transmission of a quantity to the Wabash, subject to the order of your Excellency—

By the last mail I received a Letter from Genl Tipton enclosing the copy of a communication from Col Bomford of the ordnance depart. addressed to him & Govr Hendricks saying, that "the commanding officer of the U S Arsenal at Pittsburgh had been directed to forward the following articles for the use of the militia of Indiana—And that the same officer was directed on the 16th Ult to send to Genl McFarland at Lawrenceburgh on the requisition of the Governor of the State

200 muskets
150 Pistols
75 Sabers & belts
75 pr Holsters and
800 Rifles—

The object of this Letter is to ask what steps are necessary to be taken to procure a part of these arms for Militia of Vigo County—

At our celebration on yesterday Yr Excellency was remembered with three hearty cheers.—

I have the honor to be very Respy Yr Obt Servt

L. H. Scott

Since writing the within I have seen & conversed with several influential farmers of the County & am sorry to say that it is clearly my opinion that our friend Huntington will loose his election unless some explanation can be givin satisfactory to the people.—[2] I understand the principal complaint to be, that our

[1] ALS. ISL: Indiana Division, Noble Papers.

[2] Elisha M. Huntington was elected in August, 1832, to represent Vigo County in the House of Representatives.

County would not have been called on for troops but for his suggestion—That the Company of Horse was the only force recognized in your order, that when it was found that the Horse Company were disbanded, that H & Genl Scott acted without orders in substituting other forces and that he had thereby put the county to much inconvenience & in a manner too never contemplated by Your Excellency.—Genl Scott as well as Huntington being absent, his friends are reduced to the alternative of either seeing a meritorious young man sacrificed, or to interpose such explanations as will shield him against this popular clamor.—

How far it may be compatible with official propriety for your Excy to interfere, you alone must be the judge, but I much mistake your feelings towards your friends if you would not take pleasure in protecting him from unmerited censure provided it will not interfere with some other paramount duty.—His opponents are J. T. Moffatt formerly of Vincennes & a young man of this Town by the name of Wilson—If Huntington was at home to defend himself & explain his conduct to the people, there can be no doubt of his election by an almost unanimous vote of the County.

If you think he can be spared from his present duty I would suggest the propriety of advising his return soon as practicable for a defeat now might materially influence his political prospects hereafter—

Very Respy

L. H. Scott

Noble to Joseph Orr[1]

Indianapolis July 11th, 1832

Jos. Orr, Comdt. of Mounted Rangers N. Western frontier.

Sir, Last night upon my return from a journey of four days, your letters and dispatches of the 5 & 6th this month were received and I will not withhold an expression of the satisfaction it afforded to be informed of the rapid move of your party to its place of destination, equaling the prompt response to the call made for the services of our citizens & subsequent organization at so short a

[1] ADftS. ISL: Indiana Division, Noble Papers.

notice. In Indiana a reputation for our militia as regards courage and subordination is yet to be established, not having, in the character of a sovereign state, taken any part in the late war, and in casting my eyes over your Roll, from the composition of your company, no unpleasant forebodings or apprehensions were uttered, for the fame of the state, so far as it rests on the conduct [of] your company.

The orders addressed you on the 26. June, you will view as the base of your instructions and when you shall have selected your positions for observation, you will see that the whole line of frontier is reconnoitered so as to prevent alarms and the consequent abandonment of the new settlements and in case you ascertain that hostile parties are approaching our territory or hovering about the frontier you will take such steps as will capture or drive them [out]. In the discharge however of your official duties, you will adopt such rules for the government of the troops and determine upon such steps in your further operations, as propriety and surrounding circumstances may seem to authorize. In case of disaster at the seat of war, or if dangers should threaten our safety to an extent that would render our present force insufficient you will send a messenger announcing that fact and if satisfied that such an emergency exists you will leave the company to the charge of a captain to be chosen, and execute the orders given you as Genl. of Division on the 27. May last.

Situated where you are an opportunity will perhaps offer and it may be well to report your position as well as your intended future operations to the U. S. officer comdg in Illinois or to Gen Scott should he reach Chicago, at the same time tendering the service of the troops whenever he is ready to assume responsibility over the security of our exposed inhabitants.

The proper representations will be made to the Dep of War and an advance for your subsistence will be requested. The compensation allowed you will not be likely to extend that given the Rangers, one dollar per day, with rations but nothing given on account of forage for horses. It will be but prudent, under any circumstances to avoid public expense by paying a proper regard to economy in your mode of subsisting the party.

The friendly Indians of our state are very few and owing to the late excitement are driven from a portion of their hunting ground—with them we desire to open some negociations important to the state and it would be cause of much regret should any thing occur that might operate as a barrier to the future operations and prosperity of the state—You will therefore give such instructions to your scouting parties as will not poparise our interests in case they fall in with the Indians of our state while in pursuit of game for their families.

With great respect I am Dr sir, Your obt svt

N. Noble

[Endorsed:] Copy to Orr Rangers

Noble: Appointment of Marshals to Collect Votes[1]

Ex Dep Indianapolis Aug 2d 1832

The following persons are appd Marshals to collect and return the votes for Pres & Vice Pres. of the U. States to wit

1st	District	David Rawls of Covington
2d	"	Levi Wright of Salem
3d	"	Dodridge Alley of Decatur County
4th	"	Joseph Lane of Vanderburgh
5th	"	Thos Bell of Madison County
6th	"	John Findley of Richmond
7th	"	Geo Rodick of Washington Daviess County

N. Noble

James Morrison Esq

[1] DS. ISL: Archives Division, Secretary of State file, Box E2. The popular vote cast in Indiana for President and Vice-President in 1832 was 31,552 for Andrew Jackson and Martin Van Buren and 15,472 for Henry Clay and John Sergeant. Edward Stanwood, *A History of the Presidency from 1788 to 1897* (Boston and New York, 1912), 163, 164.

Noble to Joseph Orr[1]

INDIANAPOLIS, IND., August 6, 1832

DEAR SIR:—The La Fayette mail of Saturday, brought me your letter of the twenty-ninth, and that of the eighteenth instant was handed me by Mr. Bryant.

The enemy having fled beyond the Mississippi, and an army under a skillful general being in possession of the country between, the frontier is entirely secure from an approach of a hostile character; you will therefore withdraw the company under your command from their present position, and upon reaching a suitable point, disband it.

I regret exceedingly that the boys have not had an opportunity to achieve more, but as circumstances forbade it, you must all return, content with the reflection that you were ready to meet danger, have done your duty, and that your fellow citizens approve your conduct, so far as you have been permitted to act.

I am, sir, respectfully your obedient servant,

N. NOBLE

Joseph Orr to Noble[1]

GREENCASTLE Aug. 21st 1832

DEAR SIR Yours of the 6th Inst. was handed me by Mr. Hand on the evening of the 10th. On the same day I understood that Lieutenant Eaton of the U. S. Army, under orders of Genl. Scott, dated Dicksons Ferry on Rock River was dischargeing all the volunteers on the Illinois River and its watter courses, and that our company was embraced in his orders. Haveing some doubts as to the propriety of quiting our position until the approbation of the commandant in the N. west was obtained, and wishing to place as much of the expence of our company out of reach of dispute, I thought it best to await the arival of the disbanding officer—Accordingly on the evening of the 12th he reached our

[1] Packard, *History of La Porte County*, 59. See Noble's instructions to Orr on June 26 and July 11, above.

[1] ALS. ISL: Indiana Division, Noble Papers.

camp & early next morning mustered us out of service. We marched without delay to Parishes Grove where on the morning of the 16th, after being forty five days to gether, seperated for our respective homes *all* in good health. No accident happened dureing our campain.

Col. Gregory, who acted as our Quartermaster & commissary is charged with the duty of returning to Chicago such public property as we had drawn from that place—and of turning over as public property all that had been otherwise procured for the compa[n]y & which remained on hand. In the discharge of these duties I flatter my self he will have no difficulty. He is also furnished with an exibit of all the expences of our company accompanied with the necessary vouchers & explanations, with a view, if practicable of haveing the whole expence recognized by the propper officers at that place; and through them pass to the propper departments for adjustment. Of his success in this however I have some doubts. If however the Col. should be successful the whole expence of our company will be in a train for speedy settlement—if not the pay of the men alone will be in that train—& the other expences being seperated will become a subject of our further care —we will know in a few days—mean time let me hear from you as to the proper course to pursue in case of failure.

JOSEPH ORR

GEN. N. NOBLE

John Test to Noble[1]

LAWRENCEBURGH 10th Sep 1832

DEAR GOVR. Previous, and about the time you became a candidate for Governor, in a conversation with me on the subject, you remarked, that you expected I shoud be a candidate for the Senate (U.S.) when your Brothers time expired—I gave you to understand I shoud: You, on that occasion declared if you were elected Governor, you woud not be a candidate for the Senate, or any

[1] ALS. ISL: Indiana Division, Noble Papers. Test had served as president judge of the Third Circuit, 1816-18, and as a member of Congress, 1823-27, and 1829-31. He and Noble were both Clay men.

other office during the term for which you were elected, and you said you woud go further and say, that you woud not accept any other, during that time—

Permit me to ask you, whether you have altered your determination, and whether under any circumstances, you will suffer your name to be used for the office of senator of the U. S. or whether under any circumstances you will take the office and abandon the one you now hold—I have no concealments in relation to public matters, and I intend now, as on all other occasions to be candid and plain with you and all the rest of our friends—Your fr[iends,] Mr O. H. Smiths friends, and my old friends every where, have requested me to be a candidate for the Senate U. S.—and whether I shall be or not, depends upon you[r] answer to the foregoing questions, as I am determined to avoid collition with political friends in future— Mr. Smith will not be a candidate, nor will there be a candidate in the East if I am—except myself—After what had passed between you & I at old Mr. Lewis's in Liberty on the subject of the senatorial election, after your Brothers time expired; and after your declarations in your stump speeches, I coud not have thought you would have altered your determination, and shoud not have troubled you with this letter, but I have since heard (and I heard it at Liberty) that you felt [a] disposition to be elected if you coud—and that you had said (perhaps in Wayne) that no man had a chance of being elected against a Jackson man but yourself, and that you had the documents to shew the fact— Your unequivocal answers to the above enquiries, will regulate my course in these matters—[2] Let me hear from you as soon as possible— Give my respects to all enquiring friends, and accept them for yourself—

Respectfully yours

JOHN TEST

[Addressed:] His Excellency Noah Noble Indianapolis Indiana per B. F. Wallace Esq

[2] Neither Test nor Noble received any votes for U. S. senator at the election the following December, though ballots were cast for nine different candidates. On the first ballot John Tipton received 32 votes, Oliver H. Smith 21, Ratliff Boon 24, and Jonathan McCarty 13. There

Noble to John Test[1]

INDIANAPOLIS 16th Sept 1832

DEAR SIR, Your letter of the 10 Inst. was delivered by one of my neighbors who recd it from Mr Wallace and I employ the first leisure hour to make this reply.

From the contents of yours, the reference to conversations had between us, and the deductions you seem willing to make one might suppose that you viewed my remarks as designed for your consumption, intended to influence your course as regards the Gubernatorial election, and that in holding this conversation I laid myself under obligations to you—In this interpretation of your letter I presume I am not mistaken, as you say after all this (the conversation, sentiments uttered in stump speeches &c.) I could not have thought you would have altered your determination &c. Now my Dr Sir if this view of yours be correct let me say to you, that in supposing I did, or intended to lay myself under obligations to you, or that my object was only to secure your influence you are wholly mistaken. Besides if I had have incurred obligation to you from any implied mutual obligation, your course in the election in which I was interested would have absolved me. I have long thought the office of Governor should not be made a stepping stone to other places, that its influence should never be directed to the further promotion of the incumbent.[2]

These opinions I made public in written and printed forms but not as you think from the Stump: And such are my opinions now.

For what you may have heard at Liberty *viz* "that I felt a disposition to be elected if I could that no man had a chance to be elected against a Jackson man but myself, and that I had the documents to shew the fact &c." I am not responsible: I will however remark, that it is a fabrication uttered in falsehood, that [I] made no such remarks while govr nor have I to a friend in Inda intimated a wish of the Kind—In Union I held no conversa-

were 15 scattered votes. Tipton was elected on the nineteenth ballot. *Senate Journal,* 1832-33, pp. 37-40. See also above, 58, and Noble's reply immediately below.

1 ADftS. ISL: Indiana Division, Noble Papers.

2 See note 2 immediately above.

tion in which any allusion was made to myself—In Wayne Mr. Elliott spoke of the election of Senator with a refference to myself and I did say I had letters asking the use of my name but that I expressed a wish on the subject or said I was the only man who could be elected over a Jackson man, is untrue, and I am much mistaken if Mr E. has made such statements. In my answers to the "documents" (*letters* not documents) spoken of I refused the use of my name which could not have evinced the *"disposition to be elected"* as spoken of. This is my answer and you must accept it as "unequivocal" or *equivocal* as you please.

As regards the senatorial election I will repeat what I on another occasion said to you, that the Executive should not make himself an active partizan in behalf of a competition for office within the gift of the legislature, which opinion will have its restraining influence on my conduct so long as I hold the place I now fill. I will however say, that you have talent, experience, and application suited to the station of a senator in Congress, and understanding, as you do, the policy of the country (not that which the imbecile old man, Jackson, is now pursuing contrary to his every pledge) it will give me no pain to see you elevated, should the proper tribunal select you.

I am Sir, Respectfully yours

N. Noble

[Endorsed:] Judge Tests letter & copy ansd. 16 Sept 1832 U. S Senate

Moses Fell, *et al.*, to Noble[1]

Bedford, Lawrence Co. Oct 8, 1832

His Excy. N. Noble—

Sir, By the accompanying certificate of the Clerk, you will perceive that our Probate Judge has removed and the office is vacant.[2] It is important to many of our citizens that the vacancy should

[1] LS. ISL: Archives Division, Secretary of State file.

[2] William Erwin had been commissioned probate judge of Lawrence County on August 18, 1829. The enclosures mentioned in this letter have not been found.

be filled without delay, so as not to be disappointed in a Nov. Term of the Court. Rollin C. Dewey has been spoken to, and consents to serve to fill the present vacancy—and as it is hard work to get any other who is fit for it, who is willing to have it, we respectfully request that he may be appointed—tho' he swears he does not care a damn about it—he wants a more money making business.—

He has been recommended as the law requires by a President Judge—which is also enclosed.—

Moses Fell	William Patterson
Thompson H Biggs	Abner Davis
Vinson Williams	F. B. Graham
Robert Mitchell	Otho Malott
Wm McLane	Matthew Borland
Samuel Brown	R. M. Carlton
R. W. Thompson	Wm. Duncan

[Endorsed:] Appointed 12 Oct 1832 N. Noble

Noble: Proclamation, Calling for Day of Fasting and Prayer[1]

Executive Department, Indianapolis, 18th Oct. 1832

Whereas, many of the religious portion of the citizens of the state, of various denominations, through the medium of their pastors and other representatives, have expressed a wish to unite in fasting, with prayer to him who controls the destiny of nations, invoking a mitigation of the distress, terrors, and desolation, which have, upon other continents, marked the path of the Cholera, that scourge now visiting the states of our confederacy, and commencing its ravages on the eastern frontier of Indiana:[2] And Where-

[1] Indianapolis *Indiana Journal,* October 20, 1832.

[2] For an account of this scourge which spread across the Middle West in the summer of 1832, and returned the following year with even greater vengeance see Buley, *The Old Northwest,* 1:251-55. In 1833 the disease spread "to Aurora and Salem . . . where one hundred out of eight hundred inhabitants were said to have died within a week; made its way north to Bloomington where Indiana College had to be closed, and to Indianapolis where sixty-two deaths occurred in a month." In

AS, for purposes of concert, the Governor of the state has been called upon to designate a day, inviting the co-operation of the citizens of the state in the desired devotions:

THEREFORE the undersigned, in compliance with the wishes of his fellow-citizens, selects the SECOND MONDAY OF NOVEMBER as the day to be set apart for fasting with prayer to an overruling Providence, beseeching him to arrest the progress of the disease, with its train of calamities; and in behalf of the churches he bespeaks the aid and influence of all who believe in the efficacy of prayer.

N. NOBLE

Report of Trustees of the Indiana College[1]

[December 1, 1832]

The board of trustees of the Indiana College, in compliance with a joint resolution of the General Assembly of the state of Indiana, concerning the said College, approved Jan. 25th, 1830, respectfully report:

The first subject that claimed the attention of the board was a difficulty that had taken place, among the faculty of no recent date. In consequence of this difficulty, professor Hall[2] had withdrawn his services, two weeks before the close of the session, and professor Harney,[3] had assumed an attitude towards Dr. Wylie,[4] which rendered his services of little avail. Both parties were prepared with ample documents for a judicial contest. But the board, after deliberating on the subject of those difficulties, and the relation which they sustained to the institution, which they believed to be that of guardians, rather than that of a judicial

1835 Madison suffered hardest, thirty-two deaths being reported up to June 24 of that year. Not until 1849 did it return in epidemic proportion.

[1] *Senate Journal,* 1832-33, pp. 191-93.

[2] Baynard Rush Hall, the first teacher of the State Seminary, later Indiana College.

[3] John Hopkins Harney, "professor of mathematics and natural and mechanical philosophy and chemistry."

[4] Dr. Andrew Wylie, first president of Indiana College.

tribunal, declined to investigate those difficulties, and by a unanimous vote, removed professor Harney.[5] After removing these professors, the board proceeded to fill their places, by electing Beaumont Park, of Madison, to supply the place occupied by professor Hall, and Jesse Elliott, of Rising Sun, who had the most ample recommendation, to supply the place occupied by professor Harney. With Mr. Park, one member of the board had been acquainted for the last ten years, and had no doubt his qualifications or his peculiar adaptation for the situation for which he was appointed. So that, upon the whole, the board anticipate the most favorable result to the institution, from the present organization of the faculty.

The number of students, in consequence of the derangement hitherto alluded to, could not be ascertained. A number of those that belonged to professor Hall's department, had withdrawn. The number was, however, between fifty and sixty. There is a new College edifice erected, the construction of which is highly creditable to the individuals by whom it was erected, and is every way suitable for all the purposes of a College. The length of this edifice, so far as the board now recollects, is 65 feet long and 50 feet wide. The foundation of stone, dressed and laid in the most substantial manner. This building is enclosed, and the lower floor is laid in a very substantial manner, with oak plank, and the upper floor with poplar plank. The walls above the foundation, are of brick, which appear to be of the best quality.

The college has a library, consisting of 175 volumes as reported. They consist of History, Geography, Belles Lettres and treaties [treatises] on Chemistry and mental and moral Philosophy. The books are all new, and by an estimate, considered very reasonable, and valued at $600. These books were procured by Dr. Wylie, while on a tour previous to his taking charge of the institution; and have not cost the institution one cent. The faculty of the College, consists of a President, Andrew Wylie, and the two before mentioned. The salary of the first is $1000 and the one third of the tuition fees, in the whole not to exceed

[5] For a good account of this faculty fight, see Buley, *The Old Northwest*, 2:391-92.

$1300; of the others, $400 and not exceed $650; but the aggregate of these sums has not been reached in any case. Besides these, a tutor has been employed, William H. Stockville, who receives no compensation for his services, but an exemption from the payment of the tuition fee, which is $7 50 per session.

The board proceed now to the last requirement of the joint resolution of the General Assembly, to wit: whether the 10th section has been complyed with. This section forbids the introduction into College, of sectarian tests. The board do not know of any, even the slightest abuses of the kind; nor do they apprehend that any difficulty can arise at any time, from this source, when the religious complexion of the board is considered. The members, of the board are of different religious tenets.[6]

The members present, the last session of the board, were David H. Maxwell, of Monroe, William Hendricks, of Jefferson, Seth M. Levenworth, of Crawford, Jonathan Nichols, of Monroe, William Banister, of Monroe, Leroy Mayfield, of Monroe, James Blair, of Monroe and William B. Laughlin, of Rush.

All of which is most respectfully submitted.

DAVID H. MAXWELL, Pres.
W. B. LAUGHLIN, Ch'r. Com.
appointed for this purpose.

December 1, 1832.

Noble: Message to the General Assembly[1]

[December 4, 1832]

GENTLEMEN OF THE SENATE, AND HOUSE OF REPRESENTATIVES:

Clothed with those powers conferred by the Constitution upon the branches of Government, to which we severally belong, we

[6] Charges of sectarianism continued to be made against the school. The faculty was accused of having strong Presbyterian leanings. Harney was from Kentucky and trained at Miami, and his appointment had been opposed by Indianans wanting a native son or one less "aristocratic and presbyterian." Wylie, too, was a Presbyterian, and came to Indiana from the presidency of Washington College, Pennsylvania. *Ibid.*, 2:391-93.

[1] *House Journal,* 1832-33, pp. 11-23; *Senate Journal,* 1832-33, pp. 10-22.

have come together to consult on such measures as may best protect the rights, supply the wants and promote the prosperity of our constituents; and in meeting you, for the first time, to discharge duties imposed by my official situation, I shall endeavor to present a concise and faithful outline, of the affairs of the state, adding such suggestions as, I trust, will be deemed worthy your consideration.

Since the close of the last session, the returning seasons have not been so propitious as to crown the pursuits of agriculture with the usual rewards, consequently every other branch of industry must feel a proportionate diminution. This mild rebuke is not the only affliction with which we have been visited. It has pleased the Almighty to direct to our country and to the borders of our own state, the terrific cholera, which for years, has been traversing other quarters of the globe, and marking its path with suffering and with death. As yet, however, the devastations of the destroyer, have been principally confined to a few villages and towns along the Ohio.[2] But the influence of the seasons, in diminishing the amount of our exports, has not materially lessened our comforts, the supplies being sufficient for the consumption of the country, including any accession our population may receive by emigration, and but for the visit of the epidemic, our country can boast of a greater degree of health, than during any previous year. In these blessings, we have abundant reason, for awarding a kind Providence, our most grateful acknowledgments.

During the last spring, the peace of the frontier inhabitants of this state and Illinois, was disturbed by the movements of the hostile Indians, of the north west. The measures necessary for defence were adopted, by the Chief of the War Department, but before they could be carried into effect, marauding parties were sent out from the main body of the enemies forces, and in their descent upon the exposed inhabitants, several families and individuals, near the line of the state, and near the outskirts of our settlements, became the victims of their cruelty. These events, with the exaggerated rumors of carnage and bloodshed, and the

[2] See above, 128-29n.

flight of some of the citizens of Illinois, spread great alarm along the whole line of our frontier, from the Wabash to the Lake, so much so, that several settlements gave way. In this state of apprehension and continued excitement, the inhabitants of several districts dispatched expresses, representing their situation, and soliciting the presence of such a force, as would quiet the alarm and prevent the settlements from breaking up. The planting season being far advanced, and the growing of a crop essential to the support of that part of the country, your Executive did not institute an inquiry into the cause of alarm, whether real or imaginary, but determined to sustain the settlements by affording such relief as would restore confidence and repose. For that purpose, orders, with discretionary powers, were given to the Commanding Generals along the Wabash, and volunteer detachments were sent out, for short periods, under the command of Colonels Jenners and Russell. To prevent a recurrence of the evils of alarm, upon the return of those detachments, a company of mounted riflemen, under the command of Gen. Orr, was stationed at intermediate points, from the skirts of the settlements beyond the Wabash to the Lake. These proceedings, the necessary returns, with an account of the expenses of the service, have been reported to the authorities of the General Government, and by them have been approved, giving an assurance that payment will shortly be made.[3]

The Agents of the State, entrusted with the administration of the affairs of the Canal, have, it is believed, faithfully discharged

[3] See above, 105-8, 109-13, 115, 117-22, 123-24, for Noble's correspondence regarding the calling out of the militia. His reports to the Federal government have not been found, nor the exact amount of payment received by the Indiana militia. The House of Representatives adopted a resolution approving the action taken by the Governor, asserting that he could not have done less without manifesting "a carelessness for the safety and repose of our frontier." Congress made appropriations by acts of July 14, 1832, and March 2, 1833, to pay for the subsistence of militia called into service to suppress the hostile Indians. U. S. *Statutes at Large,* 4:581, 641. *House Journal,* 1832-33, p. 122. The House and Senate united in passing a joint resolution asking help of the Indiana delegation in Congress in securing compensation for horses lost by the militia of Marion, Hendricks, and Johnson counties. *Laws of Indiana,* 1832-33, p. 243. For provisions for payment for horses, see below, 181.

every duty enjoined by law. The Fund Commissioners during the past summer made a sale of Canal Stock in the City of New York, to the amount of one hundred thousand dollars, at a premium of thirteen and a quarter per cent., terms honorable to the character of the state and advantageous to the work.[4] Having embarked in the undertaking, it is our imperious duty to maintain our credit, by the adoption of certain and efficient measures, promptly to meet all our engagements. Including the St. Josephs feeder, nineteen miles of the middle section, that portion of the work authorized to be placed under contract, have been taken at about one hundred and seventeen thousand dollars, five thousand less than the Engineers estimates, and it is believed the high standing of the contractors is a sufficient guarantee for a faithful completion of the work.[5]

Whether the interests and progress of the work will require additional legislation, the present session, will be your province to inquire. I will not withhold the opinion, that among the various topics deserving your attention, there are none fraught with more important consequences to the future prosperity of the state, or have a stronger claim to your deliberations than the enterprise in which we are now embarked. It is one approved by the people of the state, if the decisive majorities by which the several enactments of successive Legislatures, have passed in its favor, afford any evidence of public opinion. The question of expediency is no longer open for discussion, it has been settled and cannot now be reversed. The state has taken her stand and cannot recede without a sacrifice of her interest or honor, which should admonish us of the necessity of harmony in our councils, that we may not sport with either, but persevere, looking to the completion of the

[4] The stock was taken by J. D. Beers & Company of New York at a premium of $13,260 or $13.26 on each $100 of stock. Nicholas McCarty made three reports to the General Assembly regarding the negotiations of the Canal Fund commissioners. See *Senate Journal,* 1832-33, pp. 42-49, 122-25, and Appendix B.

[5] Ground was broken for the Wabash and Erie Canal on February 22, 1832, near Fort Wayne. See Bert J. Griswold, *The Pictorial History of Fort Wayne, Indiana* . . . (Chicago, 1917), 304-6. For the background history of the canal and the first steps taken by the state toward its construction, see *Messages and Papers of James Brown Ray,* Index.

work for the promised benefits. Before I leave this subject, allow me, gentlemen, to press upon your notice the necessity of an immediate adjustment with Ohio, of the terms on which the Canal is to be extended to the Lake, through her territory. Her course will no doubt be liberal and worthy of her rank among the members of the confederacy, but if, through any motive, she should throw obstacles in our way, by refusing either to continue the work or permit us to do it, that determination should be known, that we may adopt some other route. No delay should be permitted to take place, as it is evident, upon a moments reflection, that the northern termination of the Canal must be at the Lake, or the object of the undertaking will not be attained.[6]

The sales of the Canal lands, at public outcry, in October, and by entry since, have averaged something more than three dollars per acre, amounting in all to about forty eight thousand dollars, of which, with other details of the several boards, seasonable reports will be made to the legislature.[7]

The Commissioner on the Michigan Road, by economy and good management of the fund, placed at his disposal, has added all the improvements to that thoroughfare, which were contemplated, at an expense of about fifty-four thousand dollars. The sales of the road lands have amounted to about fifty-two thousand dollars. A detailed report from that officer will be laid before you.[8]

The annual report of the Agent of the three per cent. fund, will exhibit the sum disbursed the present year. The dividend due the state for the last half of the year 1831, was not received

[6] The Assembly passed a joint resolution requesting Governor Noble to ascertain from the Governor of Ohio what were the views of that state regarding the extension of the canal through Ohio to Lake Erie. *Laws of Indiana,* 1832-33, p. 233. No copy of Noble's communication has been found. For the response of the Governor of Ohio, see Noble's message to the next Assembly, below, 195.

[7] The report of the commissioners in charge of construction of the Wabash and Erie Canal is printed in the *Senate Journal,* 1832-33, pp. 72-79, and in the *House Journal,* 1832-33, pp. 99-104. For the reports of the Canal Fund commissioners, see note 4 above.

[8] The report is printed in the Appendixes to both the House and Senate *Journals.*

until October last, the delay of which, has prevented improvements that might have been made the last spring and summer.[9]

The visitor to the State Prison, in the examination required by law, has not discovered any delinquencies or abuse of power on the part of the Superintendent.[10] The police of the Prison is believed to be salutary, and well comports with the spirit of our laws, placing the convicts under such restraints as are sanctioned by the dictates of humanity.

In May, the remainder of the Indianapolis donation, belonging tc the state, was valued by the commissioners, selected for the purpose, and in compliance with the directions of the Legislature, it was offered at public sale, by the Agent of the state. The sales amounted to upwards of thirteen thousand dollars, leaving unsold lots, at valuation, to the amount of three thousand six hundred and fifty dollars.[11] At the suggestion of the architect who is to build the State House, with the concurrence of the Commissioners, the block north of the State House square, was reserved from sale, to await the determination of the Legislature, as to the propriety of adding it to the public ground, making an oblong square, corresponding with the form of the edifice to be erected. The commissioners appointed to contract for the building of the State House and superintend its erection, have made an agreement with Mr. Town, the artist, whose plan was adopted by the Legislature, by which he is to complete the building for fifty eight thousand dollars.[12] The work, in all its parts, is to be strictly conformable to the plan and specification presented to the Legislature, and in its construction, as regards ornament, neatness, strength and durability, nothing is to be omitted. The

[9] The agent made three different reports during the session of the General Assembly. They appear in the *Senate Journal,* 1832-33, pp. 29-31, 87-88, 98-99; *House Journal,* 1832-33, pp. 34-36, 119-20, 173-76. The amount received from the United States amounted to $157,509, of which $147,136 was appropriated for the improvement of thirty different roads and ten streams.

[10] See below, 159-60, for the report of the visitor to the State Prison.

[11] The report of the agent in *Senate Journal,* 1832-33, pp. 85-86, gives the amount of sales as $14,596.75, and the value of 40 in-lots yet to be sold at $3,670.

[12] See above, 89-100.

whole is to be completed by November, 1837. At the time the Commissioners entered into the agreement, they had not sufficient data to estimate the probable avails of the donation lands, and they introduced a clause in the agreement, reserving the right to change the style of the finish or the form of the building, by dispensing with the dome, the cupola, upper part of the rotunda, zinc for the roof and cornice, and the stucco work, and furring necessary for the colonades and ornamental plaistering of the halls. It is now ascertained that the fund will be nearly if not quite equal to every expense, and as the building, according to its original plan, will be elegant in its appearance, with an exterior almost fire proof, I respectfully advise that the commissioners may be directed to proceed with it according to the original design.[13]

The Auditor of State, in compliance with the instructions of the Legislature,[14] has obtained an account of the relinquished lands within this state, from the Land Offices, and the additional tract books are in a course of preparation. This will contribute much to the improvement of our system of revenue, so far as it is derived from lands, but before it will attain that perfection of which it is susceptible, further legislation will be required.[15] With a view to its further improvement, it should be the duty

[13] The Assembly complied with this request, authorizing the commissioners to proceed with the original design. If considered expedient, they were also to accept the suggestion of Mr. Town that the basement story be raised to a greater height than originally planned. The further suggestion to close Market Street between the present Capitol and Senate avenues and join the square north of it to the State House square, bounded by these two avenues and Market and Washington streets, was embodied in the Senate bill, but was omitted at the suggestion of the House. *Laws of Indiana,* 1832-33, pp. 117-18; *Senate Journal,* 1832-33, pp. 230, 308, 368, 377, 434, 457, 459; *House Journal,* 1832-33, pp. 560-61, 586, 600. This square did not become part of the State House grounds until 1873.

[14] See the joint resolution of February 3, 1832. *Laws of Indiana,* 1832-33, p. 277.

[15] There was no revision of the revenue act at this session. The auditor made a report showing the first-, second-, and third-rate lands that were subject to taxation in the different counties and also the number of men subject to the payment of poll tax. *House Journal,* 1832-33, pp. 193-94.

of the Auditor to take from the general tract books, the number of acres of taxable lands in the several counties, and open an account with each, adding yearly, the lands that may become subject to taxation, a transcript from which account should be annually transmitted to the boards doing county business, that they may detect imperfections in the listers returns, and send them back for correction. The Auditor should also be required to supply those counties that may be without tract books, or which have been furnished with imperfect ones. With these preparatory steps, the ensuing year, at the next session, the Legislature will perceive the necessity of dispensing with the services of the listers, as regards lands, oftener than once in five years, and then only for the purpose of giving it the rates known to the law, by which the confusion now complained of, can be remedied, and from three to five thousand dollars of expense annually saved to the counties.

The Joint Resolution of the last General Assembly requesting an appropriation by Congress for the extinguishment of the Indian title to lands within this state,[16] was forwarded to our delegation, and in compliance with the request the necessary provision was made. Three citizens were designated by the Secretary of War, to constitute a commission to carry into effect the object of the appropriation.[17] It was considered an object of paramount im-

[16] No such resolution passed the preceding session of the Assembly. See above, 65n. However, a memorial praying the extinguishment of Indian title to land in Indiana had passed the 1830-31 session. Perhaps it is to this Noble refers. *Laws of Indiana,* 1830-31 (special), pp. 180-81.

[17] Jonathan Jennings, former governor of Indiana, John W. Davis, of Sullivan County, and Marks Crume, of Fayette County, were appointed treaty commissioners, and Henry Hoover, of Wayne County, secretary to the commission. Jennings was the only one that had had any experience in negotiating with the Indians, he having served as commissioner at the Treaty of St. Marys in 1818. The others were members of the General Assembly. John Tipton, U. S. senator, had considerable influence in the choice of commissioners as well as in the letting of contracts for supplying food during the negotiations and furnishing of goods for the Indians at its conclusion. Treaty making was big business and merchants all over the state were anxious to profit from it. This distribution of patronage helped Tipton build up a strong following

portance to extinguish the title of the Miamies to their lands already surrounded by our population, situated almost in the heart of the state, and immediately on the line of the canal, interfering very much with the civil organization of our territory. The prompt and cheerful manner in which the principal and subaltern Chiefs of the tribe obeyed the summons to the treaty, induced the belief that the negotiation would prove successful, but in their response to the propositions of the commissioners, they positively refused to go westward, or sell the remains of their lands.[18]

It is with no little pleasure that I announce to you that the negotiation with the Potawatamies has been more successful, and that they have sold about six millions of acres in Indiana, Illinois, and Michigan, including their entire claim in this state, with the exception of some reserves. The terms of the treaty have not been given to the public, but it is understood they are such as the Senate of the United States will not hesitate to ratify.[19]

It has been anticipated that the position of the remnant of the Miami tribe of Indians in this state, would be productive of difficulties, as our population in its advance, should come in contact with, and surround them. The relations between savages and civilized communities when they necessarily come in contact, always present questions of extreme difficulty as well as delicacy. It is universally admitted that the earth was designed

which in turn helped to re-elect him to the Senate for a six-year term in December, 1832.

18 The commissioners asked the Miami to meet them at the Forks of the Wabash on September 10; two weeks later only a few had arrived. The negotiations were brought to a close on September 28 without the commissioners succeeding in buying any lands from the Indians. Logansport *Cass County Times,* September 8, 22, October 6, 1832.

19 On October 20, 26, and 27 separate treaties were signed with three different groups of Potawatomi. John Tipton estimated the number of acres ceded by the Indians at 3,000,000 in Indiana and 1,500,000 in Illinois. In return the United States was to pay two of the bands annuities of $15,000 and $20,000 respectively for twenty years, and the third band an annuity of $15,000 for twelve years. In addition the government was to assume approximately $120,000 in debts of the Indians and to distribute to them within the next year over $200,000 worth of goods. Charles J. Kappler (ed.), *Indian Affairs. Laws and Treaties* (2 vols. Washington, D. C. 1904), 2: 353-56, 367-70, 372-75; *John Tipton Papers,* 2:713-14.

for improvement and tillage, and the right of civilized communities to enter upon and appropriate to such purposes, any lands that may be occasionally occupied or claimed as hunting grounds, by uncultivated savages, is sanctioned by the laws of nature and of nations. But humanity and justice require, that in appropriating the lands of the savage to the purposes of civilized society, the use of forcible, or violent means should be adopted only in cases of evident necessity, and that ample compensation should be made to those who are divested of the territory on which they were accustomed to pursue game for their support. Accordingly it has been the settled policy of the general government to resort to negotiation instead of conquest, and from time to time, as the progress of our population required, to purchase of the various Indian nations or tribes who were in possession of extensive districts of territory, such tracts of land as they were willing to relinquish; still allowing them, so long as their situation, number, and circumstances would permit, an exemption from the operation of our laws, and permitting them to exercise some of the attributes of sovereignty, by retaining and enforcing their own peculiar laws and customs. Under this practice of our government the once numerous tribe of Miamies gradually disposed of their extensive domains, until their possessions are reduced to a few sections in addition to the reserve they occupy. Their diminished numbers, their present condition, circumstances and habits, forbid the idea that they are capable of exercising any attribute of sovereignty, or of maintaining any municipal regulations among themselves. Situated as we are, with this tribe in the midst of our population, permitting the commission of the highest crimes without the shadow of civil authority to repress them, it will be for the Legislature to determine whether the existing state of things, sound policy, our duty towards them and the peace and safety of the surrounding population, do not alike require an extension of a portion of our laws over them, and if, from your views, you think it advisable to exercise jurisdiction over this people, the duty of providing for the preservation of the public peace and public morals, the prevention and punishment of crime, and the protection of the property of our citizens from further trespass,

will be yours. In the performance of that duty, it should be remembered, that this race have strong claims on our sympathies and justice, and in the regulation of their conduct, a prospective operation should be given our laws, the initiatory measures comporting with their present condition, and progressing with their advances in civilization.

You will no doubt perceive the necessity of pointing out some more efficient means of preventing the sale or delivery of spiritous liquors to this people, which is the parent of their crimes and misfortunes, and by which individuals are enabled to strip and keep them destitute of even the necessaries of a savage life.[20]

I have already alluded to the strong claims which the Canal has upon our exertions; one great facility to its economical and speedy completion, would be the immediate settlement of the country lately obtained of the Indians. Will it not be well to express to Congress, through our delegation, our earnest desire that these lands may be surveyed and put into market, with the least possible delay?[21]

The memorial of the last Legislature, recommending a more perfect organization of the National Militia, to the consideration of Congress, was forwarded to the Indiana delegation, without

[20] The House committee to which this part of the Governor's message was referred recommended that no action be taken on extending the laws of the state and United States over the Indians inasmuch as they would be removed out of the state in a few years. Regarding the sale of liquor to the Indians, the committee were of the opinion that the act passed at the last session was adequate if properly enforced. *House Journal,* 1832-33, pp. 304-5.

[21] This desire was expressed in a joint resolution which was forwarded to Indiana's senators and representatives in Congress. *Laws of Indiana,* 1832-33, pp. 241-42. Micajah T. Williams, U. S. surveyor general, wrote Governor Noble in May, 1833, that Sylvester Sibley and Robert Clark, Jr., experienced surveyors, had been chosen to begin surveying the lands ceded by the Potawatomi. They expected to start in July but were delayed for a month. The General Land Office estimated the cession at 145 Congressional townships, and the expense of the survey at $26,100. This estimate, which would have amounted to 3,340,200 acres, was greater than that of Tipton's. See note 19 above. Indianapolis *Indiana Journal,* May 18, 1833; *Territorial Papers of the United States, Vol. XII. The Territory of Michigan, 1829-1837* (Washington, D. C., 1945), 589, 597, 599, 601.

having elicited the attention of that body.[22] The burthens of the system and the discordant plans of the several states, call loudly for the interposition of the National Legislature. Supposing the files of the office of Secretary of State would furnish information sufficient to enable me to present a satisfactory view of the subject, it was my intention to invite your special notice of them, but being disappointed in this, the purpose is necessarily postponed that it may be sought elsewhere.

I regret that I am under the necessity of saying that the failures of the militia officers to report the strength of their respective commands are increasing. For the present year, not more than three eighths of our actual strength is reported to the Adjutant General. As our dividend of the 200,000 dollars, yearly appropriated under the act of Congress, of April, 1808, is based on the strength of our militia returns, these delinquencies are extremely detrimental to our interests. A majority of the commandants of brigades, have neglected to comply with the law, requiring a report of the number and description of arms, heretofore distributed in their several commands, although their attention was specially called to the duty by the Quarter Master General.[23]

There being a scarcity of arms, during the late Indian alarm, a requisition was made on the ordnance department of the United States, for a thousand stand, which were supplied, and have been assigned to such portion of the militia, as had not shared in former distributions.

To the State Library, the additions specially authorized by law, have been made,[24] and the annual appropriation for its increase, has been expended under the direction of its officers.

[22] See above, 64n. A new resolution similar to the one of the previous session passed the House but was tabled in the Senate. *House Journal,* 1832-33, pp. 342, 365; *Senate Journal,* 1832-33, p. 277.

[23] After considering this aspect of the militia situation, the Senate committee on military affairs reported that the interest of the state required that full returns of the strength of the militia should be made annually, and that officers who refused to comply should be arrested. Additional legislation was considered unnecessary, the failure being caused by lack of enforcement of the present law. A part of the delinquencies were believed to be the result of the organization of new companies, regiments, and brigades. *Senate Journal,* 1832-33, pp. 307-8.

[24] By a joint resolution, approved January 26, 1832, the General

Among the numerous subjects that naturally force themselves upon the attention of those vested with the responsible trust of legislating for a new and growing community, there is none of paramount importance to that of providing for the education of the great mass of the rising generation, by a system of common schools, adapted to the situation and circumstances of the people. It too often happens that communities and those that occupy responsible situations in the administration of public affairs, while in pursuit of present good, seem insensible of the relation in which they stand to posterity. They too often forget that their acts are to give complexion to the character of succeeding generations, and perhaps fix their political destiny, and this is because the consequences of a neglect of duty, in this particular, are not present and obvious, but develope themselves in time to come.

In Indiana there are not less than one hundred thousand children, of suitable age, dependant upon our efforts for preparation for future usefulness. If they receive it, they can succeed us in the professions, arts, sciences, commerce and agriculture, and safely take upon themselves the charge of self government, continuing our institutions, with such improvements as the lights of experience may point out. Without this outfit at our hands, it will be their fate to see others, whose ancestors were more faithful, reap the rewards of enterprize and enjoy the honors and emoluments of office; or what would be still more humiliating and reproachful to us, they may, for the want of a knowledge of the principles of our government, not fully appreciating its blessings, become instruments in the hands of demagogues and tyrants, to dishonor its character or change its form.

It is admitted that at present the state is without tangible resources for the accomplishment of so much; and it may be

Assembly had authorized the purchase for the State Library of "two copies of Gales & Seaton's Register of Debates in Congress; and two copies of Debates on the adoption of the Constitution of the United States, and one copy of the Debates of the late Virginia convention." *Laws of Indiana,* 1831-32, p. 273. James Morrison, secretary of state, who performed the duties of librarian, reported to the Assembly that this resolution had been complied with, the cost of the books being $43.25. *Senate Journal,* 1832-33, p. 28.

asked how are we to minister to the wants of so many? Because we cannot accomplish the whole we should not despair and make no struggle. If we cannot go to the full extent of our wishes, let us go as far as the means and resources within our reach will enable us, and we shall have discharged our duty. Let us acknowledge the whole debt and discharge it in part. But are there no elements from which, if properly combined, resources may be drawn for the accomplishment of much? Coming directly from among the people, you can best answer the question. I will nevertheless offer a remark or two. Amend the law providing for schools in the congressional townships so as to permit the minority to avail themselves of the corporate power, in all cases when the majority refuses to levy a tax for school purposes. This can be done by registering their names with the trustees and confining the operations of the law, to those only who approve its provisions and unite for the support of schools. Make it the duty of the trustees annually, to return to the Clerk of the county, the number of schools, number of scholars, the time kept up, with the price of tuition, to be transmitted by the Clerk to one of the state officers, by him to be laid before the legislature in tabular form. Appropriate from the state treasury the annual surplus money, to be apportioned among the schools that may be supported by tax or contribution, six months in the year, leaving it with each legislature to name the sum that shall be divided, after paying all other demands on the treasury. In the spring of each year, make it the duty of the trustees to present each citizen of the township with a subscription paper for the benefit of schools. In the month of October, of each year, require them to make report to the colonel of the regiment, of every individual who may have contributed in money or labor, one dollar and upwards, and excuse all who may have contributed that sum, from liability on account of his delinquencies in mustering that year. The latter proposition received favor with the Senate last session. I beg leave, most earnestly, to recommend its adoption.[25]

[25] The first general school law since 1824 was passed at this session. Entitled "An Act incorporating Congressional townships, and providing for public schools therein," it contained 205 sections and covered 27

For many years the public lands have been a fruitful theme for declamation as well as of protracted and confused legislation,

pages. It had the effect of reversing the administration of common schools, making the school district the unit of administration instead of the township. The office of school commissioner in each county was retained, and also the three trusteeships in each Congressional township. The duties of the commissioners and trustees were largely concerned with leasing or selling school lands, lending money, and apportioning school funds among the school patrons. The trustees were to divide their townships into school districts of such size and limits as would be most convenient for the support of a common school therein. Three district trustees were to be elected annually by the qualified voters of each district. They were to organize by appointing one of their number clerk and another treasurer. The clerk could call meetings of the inhabitants of the district whenever he thought it necessary or when requested to do so by five or more electors. At these meetings the school patrons might vote upon questions concerning selection of a site for and erection of a schoolhouse, assessments for the support of the school, employment of a teacher, etc. If the majority decided in favor of a school, the district trustees were then instructed to make contracts and superintend the erection of a building, enumerate the pupils, make an assessment list of the property of the district, carry out the instructions given regarding employment of a teacher, and perform other pertinent duties.

Regarding the financing of the schools the act provided: "Upon the enumeration of taxable property having been taken, a meeting shall be had of the persons of whose property a list has been taken, who shall decide (if a school-house is to be built) what tax is to be assessed, on what property, the proportion to each, and who (if any) shall be exempt from such tax, or any part thereof, and whether the same shall be paid in work or materials on such school-house, or in money, and what proportion of each; and, in fixing the proportion for each person, may take into consideration the number of each person's children to be educated, and other equitable circumstances." The act also provided that "every able-bodied male person being a freeholder or householder of such district, of the age of twenty-one years or upward, shall be liable to work two days on such school-house; or so much tax in labor, materials, and money shall be assessed, as, by computation, will, in addition to such labor, finish the school-house."

The effect of the act was to put the whole problem of the common school, the decision of whether or not to have one, its erection, management, and maintenance in the hands of the district electorate, and actually few districts took advantage of the act. *Laws of Indiana,* 1832-33, pp. 78-104; Otho L. Newman, "Development of the Common Schools of Indiana to 1851," in *Indiana Magazine of History,* 22(1926):247-53; Richard G. Boone, *A History of Education in Indiana*

and the discordant views of the new states have tended much to embarrass an adjustment of the question. The subject has now resolved itself into three distinct propositions. The first proposes gradually to reduce the price of public lands in proportion to the length of time they have been offered for sale. The second proposes to transfer them to the states wherein they are situated for a mere nominal consideration, and the third proposes to divide the money arising from the sales among the several states, to be applied to the purposes of education, internal improvements, &c. The first proposition has often been before Congress, and that body has positively refused to assent to the measure. The second has not received the action of Congress, but as a large majority of the states has no new lands, we can hardly promise ourselves that it would receive a more favorable consideration than the first. The third proposition was for the first time brought before Congress at the last session, and passed the Senate by an unusual majority. Gov. Hendricks and Gen. Tipton giving it their support, but in the lower House, the bill met with opposition, and on a motion to postpone, it was lost, our members voting with its enemies, when their support would have saved the bill.[26]

(New York, 1892, reprinted by the Indiana Historical Bureau, 1941), 32-34.

[26] Noble's reference to the vote of Indiana's senators and representatives in Congress on this measure raised quite a storm. In the first place he was wrong in stating that Tipton had voted for the bill, when, in fact, he had voted against engrossment of the bill and then refrained voting on its passage. State Senator John Ewing pointed out the Governor's mistake in a letter in the Indianapolis *Indiana Journal* on December 8. Noble attempted to explain the reasons for his assuming Tipton had voted for the bill in his letter to the Senator on December 8 (below, 157-58). Tipton's letters to Noble relative to the matter, dated December 18, 1832, and January 22, 1833, are printed below, 163, 170. Tipton was up for re-election by the Assembly at this session and Noble was accused of trying to prejudice the members against him, and of playing party politics. He was likewise accused of trying to bring his "official influence" to bear upon the re-election of the representatives then in Congress at the election the following August. Alexander F. Morrison wrote to Tipton that Noble's words had injured him with the Jackson men and that John Ewing had brought documents into the Senate to disprove the Governor's state-

The proceedings of Congress in this and all other cases, are made public, and although the votes of members, with all other public acts, are legitimate subjects for examination, yet it is admitted that there are but few instances in which an Executive of a state will stand justified, in bringing before the public, the opposing votes of the members of each branch, and in no instance should it be, to cast censure on the members; nor is that the object now, in pointing out the disagreement of our Senators and members of the House. Their opposing attitude, on a question of deep interest to the state, is doubtless the result of an honest difference in opinion, and it is that you may advise an united effort, that I have permitted myself to name it.

The object of the bill, as it passed the Senate, was to dispose of the monies arising from the sales of the lands for five years, by giving to the new states in which the lands are sold *fifteen per cent.* of the proceeds, including the per cent. they now receive, and dividing the balance among all the states, in proportion to the number of inhabitants or number of members to Congress from each. Our part of the whole sales in the United States, would, for this year, have amounted to near two hundred thousand dollars, had the bill passed the lower House. With the new lands coming into market, our dividend would soon have exceeded that sum for each year, and at the end of the five years, they would amount to ten or eleven hundred thousand dollars, a sum that would school fifty thousand children six months in each year of the time, leaving a large balance to be applied to our rivers, roads, or the canal, as the Legislature might think best. It should not be forgotten that the sales of the lands are continually progressing, by which means from seven to eight hundred thousand dollars will be annually withdrawn from the state, never to return; that while this draining process is going on, the choice and most valuable lands will be sold, and for each year spent in vain

ment with the hope of injuring Tipton with the Clay men. Tipton was re-elected on the nineteenth ballot. *John Tipton Papers,* 2:745. See also Ratliff Boon to Noble, December 17 and 24, below, 161-63, 166-68. The matter was not allowed to die and played a large part in Noble's campaign for re-election in 1834. See below, 276-85.

efforts, to induce Congress to do that which they have repeatedly refused to do, reduce the price, we will loose more than that sum.

It is worthy of remark also, that in our acceptance of the offer made by the bill, the door is not closed against a reduction in the price or to a transfer to the new states. Congress can either graduate and reduce the price, or cede to the states, as may hereafter be thought advisable.

From these remarks, you may perceive, that my opinions, harmonize with the views of the Senators, and if you think with me, that it is best to take the money offered, I would advise you to request our Representatives to unite with our Senators, and I am satisfied they will yield a compliance with your wishes. That it may be well understood, I repeat that no censure is due our Representatives, nor are they the less worthy of your confidence, because of their differing in opinion with our Senators. The object is to reconcile that difference, and prevent the defeat, at this session, of a measure by which we could avail ourselves of the means for accomplishing much for the benefit of our constituents.[27]

[27] The public land question was not as simple as Governor Noble's summary might indicate. It, the tariff, and internal improvements were inextricably bound together. The bill to which Noble refers, as reported by Senator Clay from the committee on manufactures on April 16, provided for the distribution to the states during a limited period of the proceeds of the sales of the public lands, after a deduction of 10 per cent had been made and set aside for the new states for the purpose of education, internal improvements, and colonization of Negroes. Clay was opposed to reducing the price of public lands or for their cession to the states. His bill pleased the high tariff advocates and the residents of the older states, and was considered by his opponents as a bid for votes in the presidential election. The South and the new West opposed the distribution of the proceeds of the public lands, the former because it assisted in perpetuating the high tariff, the latter because it was a death blow to any reduction in price. The senators from these two areas succeeded in getting the bill referred to the committee on public lands, which in time reported it back to the Senate with an amendment which struck out all of the original bill except the allowance to new states, which was increased from 10 to 15 per cent. The committee also recommended a reduction in the price of newly opened lands to $1.00 per acre, and of land that had been five years or more in market to 50 cents. Voting on the bill was complicated, the roll call being taken on July 2 no less than twelve times as the friends and opponents of the bill presented amend-

With my impressions as to the imperfections of our Probate system, and my belief of the practicability of substituting a better, I am induced to solicit a share of your attention to that subject. It is not from a knowledge or suspicion of impropriety on the part of any who fill the situation of Probate Judge. The principal

ments, counteramendments, proposals to table, etc. On the following day the bill was passed in its original form, Tipton not voting and Hendricks voting for the bill, and was sent to the House where consideration of it was postponed to the following session. Indiana's representatives, Ratliff Boon, John Carr, and Jonathan McCarty, all voted for postponement. *Congressional Debates,* 22 Congress, 1 session 785-91, 870-72, 903-7 1096-1119, 1132-54, 1156-74, 3853, Appendix, 112-27; Raynor G. Wellington, *The Political and Sectional Influence of the Public Lands 1828-42* (Riverside Press, 1914), 34-42.

The Indianapolis *Indiana Journal,* reviewing Noble's message on December 5, urged the Assembly to make known its views in regard to Clay's bill, and the disposition of public lands or the revenue derived from them. "It is hoped," it said, "that the party spirit will not be suffered to mingle in any degree with the legislative deliberations in reference to it. It is believed that nothing but a feeling of hostility or of jealousy towards the distinguished projector of the measure [Clay] prevented the adoption of the plan approbated by our Governor. . . .The best lands in our flourishing state are being rapidly disposed of, and the proceeds appropriated elsewhere."

The committee on elections in the Indiana Senate, to which this part of the Governor's message was referred, reported that the votes of Indiana's senators and representatives in Congress did not present a legitimate subject for action and asked to be discharged. The select committee of the Indiana House, to which it was referred, failed to agree and presented both a majority and a minority report accompanied by joint resolutions. The majority report, given by Joseph Lane, a Democrat from Vanderburgh County, opposed the bill passed by the U. S. Senate and the Governor's recommendation and asked for the cession of the public lands to the states in which they lay, if possible, or if that could not be obtained, a reduction in the price of the lands then in market. The minority report, presented by George H. Dunn, a Whig from Dearborn County, went into great detail as to the advantages that would accrue to the state from Clay's bill as opposed to the cession of the lands, and urged that the Indiana delegation in Congress unite on a measure that would be as favorable to the state as Clay's bill. Neither of the proposed resolutions passed. *Senate Journal,* 1832-33, p. 300; *House Journal,* 1832-33, pp. 106-9, 136-49, 168-72.

A measure dividing the proceeds of sales of public lands among the states, passed the Congress in the following session, Hendricks voting against the measure and Tipton for it, but it was pocket vetoed by President Jackson.

objections are to be found in the great number of Judges. In consequence of their numbers, the emoluments are necessarily so small as not to invite to their acceptance, the requisite business character and legal attainments, essential to a prompt and correct discharge of the duties of the office, nor will they compensate the individual for the time he would consume in vacation, if he should attempt the acquisition of any qualifications, in addition to those carried with him to the place. This objection is verified by the fact, that in some counties, it is with difficulty that any one will consent to serve; in others, no poll for the election of Probate Judge, has been opened since the office was created, and resignations are continued and frequent.[28]

In the organization of judicial tribunals, much relating to the rules of practice or modes of proceeding, is necessarily left to the discretion of the courts; and these rules of practice, when once established, constitute a part of the law.

It is almost as important and desirable that a general uniformity should exist, as to these practical rules or modes of proceeding, as that the general principles of law and stationary regulations should be uniform throughout the same community.

But with a separate and distinct tribunal in each county in the state, without the least intercourse or connection with each other, and without a knowledge of these general principles and maxims by which courts are governed, in the exercise of legal discretion, it is impossible for any thing like uniformity of proceeding to exist; or that a regular system of prompt and strict accountability should be introduced, which is so necessary to protect the rights of widows and orphans, who are seldom present, looking after their own interest. That the plan is not a good one, two facts

[28] The act establishing a probate court in every county, passed in 1829, provided for the election of a probate judge by the qualified voters in each county. Persons seeking the office were required to obtain from the president judge of the circuit court or a judge of the Supreme Court a certificate of qualification for the office before announcing their candidacy. Under the act probate judges were to be paid $3.00 per day for every day spent in discharging their duties, payment to be made out of the state treasury. *Laws of Indiana,* 1828-29, pp. 35-56.

are sufficient to demonstrate. A considerable portion of the cases on the Probate dockets, remain unsettled for from five to fifteen years, and a great number of estates, contrary to all expectation, are reported as insolvent, resulting no doubt from a disposition to hold on to the money and hunt up offsets, when settlements are demanded.

There are two modes by which, as is believed, the system can be materially improved, and with a saving of expense. Divide the state into four Probate circuits, give each county two terms in the year, and elect by joint ballot of the Legislature, four Judges, with salaries of six hundred dollars per year. It is thought that will be a less sum than will be paid to the present Probate Judges after the ensuing year. Another plan is, to transfer the business to the circuit courts and give an additional term in the year. Let one of the terms be exclusively appropriated to chancery and Probate causes; the other two terms to be appropriated to common law causes. If the courts, at the common law terms should be authorized to make interlocutory orders in Probate and chancery causes, it is believed that one term in each year will be fully sufficient for their final hearing and settlement.

Upon this plan, one other object can be easily attained; if any person should be imprisoned at the time of the chancery term, upon a criminal charge, and unable to give bail, the county authorities could be authorized to summon juries at that term for his trial, in the same manner as heretofore directed, in cases of special sessions of the circuit courts. It is believed that two hundred dollars each, will be sufficient compensation to the circuit Judges, for this additional labor, the aggregate of which will fall far short of the amount that will be paid the Probate Judges for the services of the past year.[29]

[29] The Senate committee, to which this part of the message was referred, reported a bill to transfer the probate business to the circuit courts, but this was amended in committee of the whole and then further discussion of it postponed. Apparently the House took no action on the Governor's recommendation other than to ask the state auditor for a statement of the amount paid probate judges in the preceding years. Amounts reported were $1,273 in 1829-30; $1,734 in 1830-31; and $2,200 in 1831-32. *Senate Journal,* 1832-33, pp. 195-97;

Ever since the commencement of our state government, frequent applications have been made for the interposition of the power of the Governor to remit fines and forfeitures and grant reprieves and pardons. Encouraged with success, petitions have multiplied, and during the last year of the time of my predecessor, fines and forfeitures were remitted to a large amount, and pardons were granted to fourteen convicts. Numerous applications of the kind have been made the past year, and the force of precedent has compelled a compliance with similar requests for the remission of nearly an equal sum and the pardon of five or six convicts. Without abusing the grant of power and rendering the laws inoperative, it is believed its exercise cannot be so frequent; and having come to the resolution not to disturb the acts of the other departments of government, except in extraordinary cases, I deem it my duty to advise a review of the penal sanctions of our criminal code, that you may apply the corrective should you find the penalties unreasonable or cruel.[30]

You are no doubt aware of the severe pecuniary embarrassments, under which, almost every class of our citizens are labouring; and of the complaints of distress heard in many parts of the state; and it is presumed you are apprised of the fact, that among the remedies spoken of, to prevent the further aggravation of the evils of a decreasing circulation, to mitigate the existing distress, the establishment of a State Bank and branches seems to be concentrating the largest share of public attention. The proposed plan is, so far as understood, that the state shall take one half of the stock, say eight hundred thousand dollars, and individuals the other; that the state shall procure her half of the capital by a loan for thirty years, at five per cent. interest, and when re-

House Journal, 1832-33, p. 249. At the next session of the Assembly, legislation was passed giving circuit courts concurrent jurisdiction with the probate courts in certain matters connected with settling estates. See below, 204n.

30 A select committee of the House reported that they could find no provision in the constitution which would authorize "the legislative branch of the government to set bounds by which the executive shall be restricted in the exercise of his clemency." And further, that a review of the penal sanctions of the criminal code disclosed nothing cruel or unusual therein. *House Journal,* 1832-33, p. 533.

deemed by the accruing bank dividends, the money borrowed to be exclusively appropriated to the benefit of schools. In other states such institutions have been successful and beneficial, but it will be your place to determine as to the practicability and policy of the measure, taking into consideration the situation and circumstances of the country, when it is matured and brought before you.—In testing its propriety, two enquiries are essentially important. Would the introduction and creation of active capital, at this time, be of service to the people? And can we command the talent and integrity necessary to the successful management of such an institution? If these enquiries are satisfactorily answered, it will be your duty so to guard the necessary grants of corporate powers, as will secure the public against their abuse, and preserve unimpaired the credit and integrity of the state.[31]

The official exposition of the Treasurer of State will be laid before you, giving such a view of our financial concerns as will satisfy you that our revenues are equal to every demand upon the treasury.

In providing for the necessities and promoting the prospects of a rapidly increasing population, we have already an ample field for the exercise of talent, crowded with suitable objects of our care. The recent acquisition of territory from the Indians, will extend the sphere of our jurisdiction and present us with new subjects of legislation. With this extended field before us, we have every motive to stimulate us to industry and perseverance in our efforts to augment our population and increase its comforts; to encourage individual enterprise and industry; to add facilities to intercommunication, invite the introduction of capital, and develope and improve the resources of the state.

The guardianship of the public weal has been committed to your zeal, fidelity and wisdom,[32] and in your supervision, if my

[31] Bills to create a state bank were introduced in both houses of the General Assembly at this session, but after considerable debate it was decided to postpone further discussion until the following session. See below, 210-11n.

[32] A correspondent of the Indianapolis *Indiana Democrat* made some interesting observations on the composition of the legislature at this session. "The Senate," he said, "is composed of thirty members, and

humble stock of experience will contribute any thing to the benefit of the object of your charge, or tend to the advancement of our rank with the sister states, you may command an earnest co-operation.

Treasurer's Report[1]

TREASURY DEPARTMENT, December 6th, 1832

The Treasurer, in compliance with the requisitions of the "Act concerning the Auditor of the Public Accounts and Treasurer of State," respectfully submits the following Report of the Revenue and Expenditures of the State, from Dec. 3d, 1831, to December 1st, 1832.

Balance in Treasury, reported last year		$ 44,048 07
Receipts during the fiscal year		
From taxes assessed for 1823	$ 247 04	
1824	33 56	
1828	150 00	
1830	78 00	
1831	33370 89	
1832	6884 36	
Total Revenue		40 763 85
From the Agents for Indianapolis		8 136 52
Commissioner Michigan Road Lands		35 527 96
Canal Funds		5 181 82

with a few exceptions are men rather of solid than showy qualifications. The principal debaters are, Messrs. Whitcomb, Ewing, Farrington, Fletcher, Hillis, Dumont, and Graham. . . . Mr. Ewing is a gentleman of very extensive information and is capable of indulgence in the bitterest [illegible] but a lack of self-government frequently gives his opponents the decided advantage; were it not for some peculiarities, he would be among the most useful men in the State. . . ." The writer also reported that there were in the House 40 farmers, 13 lawyers, four physicians, and the balance mechanics, manufacturers, and traders. He divided the House politically into 43 for Jackson and 32 for Clay. Issue of January 16, 1833.

[1] *House Journal,* 1832-33, pp. 51-54. Also in *Senate Journal,* 1832-33, pp. 51-54.

Estates without heirs	937 18
Salt spring reserves	213 12
From Interest on Loans	2 041 81
Sale of College Lands	2 221 08
Loans refunded	2 660 00
Total	141 731 41

Expenditures during the same period:

Pay and Mileage of last Legislature	$14187 72	
" Clerks and Doorkeepers	1926 50	16 114 22
Paid the Public Printers	1738 46	
" Bookbinders	569 76	
" for Stationary and carriage	2095 32	
" distributing Laws and Journals	270 00	4673 54
Specific appropriations		1244 68
Contingent expenses		836 35
Salaries of Executive officers		2596 72
" Judges		5514 98
" Prosecutors		943 54
" Probate Judges		2202 00
" Adjt and Qur. Master Generals		170 71
State prison expenses		1985 09
" Library "		100 00
Presidential election		209 70
Wolf scalps		794 50
Treasury Notes destroyed		5 00
Ordinary expenses		37 391 03
Michigan Road Scrip redeemed		30 903 86
" " Expenses		3 051 61
Indiana College "		2 508 68
Salt spring expenses		30 00
Seat of Government		342 85
Loans of College funds		7 177 50

Canal Fund payments	28 753 00
Conscientious fines distributed	36 00
Cash on hand	31 536 88
	141 731 41[2]

The Cash on hand is subject to the following deductions:

Outstanding warrants	85 15
Salaries of Judges, Prosecutors and other claims due, but not audited	2 550 00
Conscientious fines	530 50
Canal Fund	148 56
Indianapolis Fund	21 672 11
Claims of Probate Judges estimate	1 200 00
Making in all	26 184 32[3]
Which deducted from the cash on hand leaves	5 351 56[4]
The revenue of 1832 to be paid subsequently to the first of Dec. inst. will probably amount to	32 000 00
There has been anticipated of the College Fund	2 456 62
Balance due the State from the Michigan Road fund	3 275 51
Making for the expenses of the ensuing year	43 082 69

Those expenses may be estimated as follows:

Salaries of Judges and Prosecutors	8 200 00
" Governor, Secretary, Treasurer and Auditor	2 600 00
" Probate Judges	2 400 00
Printing and stationary	4 500 00
Legislature	17 000 00
Contingent fund	1 000 00
State prison	800 00

[2] The total should be $141,725.41.
[3] The total should be $26,186.32.
[4] The figure should be $5,352.56.

Wolf scalps	800 00
Specific appropriations	1 500 00
Presidential election, State Library, Adj. General &c.	800 00
	$39 600 00
Which will leave in the Treasury 1st Dec. 1833.....	3 482 69

The rates of taxation having continued the same since the year 1826, the actual receipts from each year's assessment in the annexed statement, present in a favorable light, the prospects of the State for Revenue.

Receipts from the taxes of	1827	27,299 27
do	1828	29,926 12
do	1829	32,282 69
do	1830	34,475 07
do	1831	37,023 77
Estimate for	1832	38,884 36

The revenue hereafter can hardly be expected to increase in the same ratio. Some diminution will be occasioned by the alteration of the law authorising the sale of land for taxes. The receipts however, will no doubt meet all demands at the treasury. It affords pleasure to state, that the Collectors of the last year were equally punctual, with those of the preceding. No delinquency of moment occurred and the prospect of a full settlement by the Collectors of the present year, is not less favorable.

Respectfully submitted

SAM'L. MERRILL

Noble to Senator John Tipton[1]

INDIANAPOLIS 8 Dec 1832

DEAR SIR, Your letters from your friends, with the note from a Senator to the Editors of the Journal, will apprise you of the consequence given my allusion to the conflicting opinions of the

[1] ALS. ISL: Indiana Division, John Tipton Papers.

members in Congress & requesting the legislature to ask an united effort in support of the bill that passed the Senate, providing for the distribution of the proceeds of the public lands.[2] Some of your votes with the friends of the bill induced me to believe you supported it throughout not finding you against it on its final passage. In this opinion, from the conversation had with you since your return, I was confirmed, you having expressed favorable opinion as regards its success this session and spoken of the good that would result to the State &c &c. It seems from an investigation instituted by Judge Ewing that you voted against the Engrossment of the bill and some are disposed to use it to your prejudice but your conversations with Findley, Fletcher, Pepper and others has put to rest the most of the doubts entertained as to your friendship for the bill this session.

The votes at the meeting of the houses yesterday you will have. In the morning it is said some will be for postponing the election until Jany but I think it will hardly prevail[3]

If you have had an opportunity to learn whether the depositions transmitted to the Com. of the G. L. office, establishing

[2] See above, 145-49n.

[3] Balloting for the election of a United States senator by the General Assembly began on December 8, and was continued until the tenth. Tipton won the election on the nineteenth ballot. *Senate Journal,* 1832-33, pp. 37-40. On the first ballot votes were cast for nine candidates; the top four receiving votes were Tipton 32, Oliver H. Smith 21, Ratliff Boon 24, and Jonathan McCarty 13. On the final ballot votes were given eleven candidates, the top four being, Tipton 54 votes, Jonathan McCarty 16, Arthur Patterson 11, and Charles Dewey 9. For communications to Tipton regarding his re-election see *John Tipton Papers,* 2:75 ff. The Lawrenceburg *Indiana Palladium,* December 17, avowed that "though Tipton's re-election may be considered a triumph, on the part of the friends of Gen. Jackson, they are much indebted to the opposition for their frank and efficient support." The Indianapolis *Indiana Democrat* (December 12, 1832) said that in Tipton's election national politics played no part, "both parties uniting in his support." Tipton had been elected to the Senate a year before to fill the unexpired term of James Noble, deceased. At that time the *Democrat* had identified Tipton as "a sincere friend of the present administration and of Gen. Jackson" yet he had had the "cordial and efficient support of many of the opposition." Issue of December 9, 1831.

the wagoners charge for transportation of specie, have been recd. I will thank you to let me know by the return of the mail.[4]

Respectfully your obt svt

N. Noble

Report of Visitor to State Prison[1]

State of Indiana, Dec. 11, 1832

To His Excellency Noah Noble,

Sir:—In conformity with the law, requiring the visitor to the state prison, to make two visits, in the course of the year, to the said prison, and to report to the Governor, I beg leave to submit the following:

I made my second visit to the state prison, on the 16th of November, and discovered but few changes since my first visit in June. The number of convicts had increased fifteen in number, making in the whole, fifty-six, all of whom, are confined, during the night, in twelve cells. The law requires that each convict shall be confined, at night, in a separate cell, and that during the day, he shall be imprisoned at hard labor, in the state prison, when in fact, they are not only permitted to work in the town of Jeffersonville, but some of them have been employed in carrying brick, during the summer and fall, to Louisville. The superintendent, in compliance with my suggestions in June, in regard to the erection of an additional building, for the purpose of providing a cell for each convict, has procured the necessary rock, and contemplates the commencement of the work, early next spring. I would at this time, suggest the propriety of exchanging the half acre of land belonging to the state, which lies on the west, and contiguous to the state prison, for an equal quantity of land on the north, and equally contiguous.[2]

[4] Noble is referring to his accounts as receiver of public moneys in the Indianapolis Land Office.

[1] *Senate Journal,* 1832-33, pp. 152-53.

[2] An act was passed at this session providing for the erection of one hundred more cells at the prison and for the exchange of land as recommended in this report. *Laws of Indiana,* 1832-33, pp. 116-17.

I recollect nothing more which I thought worth communicating. Respectfully, your ob't serv't.

WM. B. SLAUGHTER, Vis. S. P.

TO HIS EXCELLENCY NOAH NOBLE

Noble to the Speaker of the House: Transmitting Resolutions[1]

EXECUTIVE DEPARTMENT,

INDIANAPOLIS, Dec. 12th, 1832

TO THE HON. JOHN W. DAVIS, Speaker of the House of Representatives:

Through the chair of the House of Representatives, I lay before the Legislature the following communications to this Department, to wit:

A joint resolution of the Legislature of the State of Tennessee, recommending the sale and distribution of the proceeds of the Public Lands among the States.

A joint resolution from the same State, relating to the exercise of certain powers by the General Government.[2]

A report and joint resolution of the Legislature of Massachusetts, relating to the contested North Eastern boundary line of the United States.[3]

A joint resolution of the Legislature of Louisiana, on the subject of a Rail Road from the Mississippi to the city of Washington[4]—and

[1] *House Journal,* 1832-33, p. 95.

[2] The *House Journal* does not show that any action was taken on this resolution or the one above.

[3] In referring this resolution to the committee on the judiciary, an attempt was made to instruct the committee to report two joint resolutions, one showing the injustice of the arbitration of the boundary line and another instructing the Indiana delegation in Congress to oppose any relinquishment of land to Great Britain. The motion to instruct was lost, and no report of the judiciary committee has been found. *House Journal,* 1832-33, pp. 95-96.

[4] The Assembly passed a joint resolution reciprocating the wishes of Louisiana for such a railroad and joining in the request made to

The letter of Wm. C. Linton, Fund Commissioner, in answer to one addressed the Commissioners whilst in New-York, on the subject of a loan for the bridge at the Falls of the Ohio river.[5]

Ratliff Boon to Noble[1]

[December 17, 1832]

To Noah Noble—Governor and Commander-in-chief of the state of Indiana

Sir—You have thought proper in your late message to the Indiana Legislature, to arraign the three Representatives in Congress, from the state of Indiana, before their constituents, for their having voted for the postponement of Mr. Clay's famous land bill, which passed the Senate of the United States, at the last session of Congress. And not being content with the opportunity afforded you of interposing your *"official influence,"* between the people and their representatives in Congress, you have disgraced the office you hold as Governor, by *officially* misrepresenting important facts, with a view no doubt, to operate upon the election of a U. S. Senator, then pending before the Indiana Legislature.[2]

You have *officially* stated to the Legislature and the reading community, that Congress had *"positively refused"* their assent to the measure proposed for graduating and reducing the price of the public lands! Now sir, the truth is, a bill passed the Senate of the U. S. some two years since, to reduce and graduate the price of the public lands, and was sent to the House of Representatives for concurrence therein. But did not receive the final

the President that he direct the necessary surveys and estimates for it. *Laws of Indiana,* 1832-33, pp. 247-48.

5 Linton's letter is not printed in the *Journal.* The committee on canals and internal improvements to which it was referred reported that they considered it inexpedient to legislate on the subject and asked to be discharged. *House Journal,* 1832-33, p. 123.

1 Lawrenceburg *Indiana Palladium,* January 5, 1833, reprinted from Indianapolis *Democrat.* For another letter from Boon to Noble on the same matter see below, 166-68.

2 See above, 145-49n.

action of the House of Representatives during that session, in consequence of the press of other business on the calendar which had precedence. At the last session of congress I reported a bill to graduate and reduce the price of public lands, which was twice read and referred to a committee of the whole on the state of the Union, and now remains among the unfinished business of the last session, subject to the final action of the House during the present session of Congress so that Congress has not *"positively refused"* to assent to the measure, as stated by you with such unblushing confidence. Nor have you been less fruitful in misrepresentation in reference to Gen. Tipton's having given his support to Mr. Clay's bill to divide the proceeds arising from the sales of the public lands among the several states of the Union, and which seems to lay so near to your heart. You have stated *officially* that Gen. Tipton supported this bill, and you tell the people that the three Representatives from Indiana voted with the "enemies" of the measure, and thereby defeated the project. It is true, that I did oppose the measure, and in doing so, I have no doubt but I acted in strict accordance with the feelings and interest of a large majority of my constituents. But it *is not* true, as stated by you, that this bill received the support of Gen. Tipton. The truth is, Gen. Tipton *opposed* this bill throughout; and told me that he would resign his seat in the Senate, rather than vote for the bill! So that you stand convicted before the reading community of having *officially* misrepresented two important facts, intended no doubt, for political effect—for I should do you perhaps, great injustice, were I to impute it to your *ignorance.* So much then, for the *party zeal* of an *executive* officer in attempting to use his *official* influence in putting down the friends of one political creed with a view to elevate those of a different creed upon the ruins of the vanquished.

When you were a candidate for the office of Governor which you now hold, and which was conferred on you by the friends of Gen. Jackson, you was then, a *"no party"* man. But no sooner were you clothed with your *royal* robe, than you began to show yourself in your *true* colours—and now to cap the climax, you

have interposed your *"official"* influence, between the people and their Representatives in Congress, and that too with the additional sin of having *officially mistated* important facts. O! shame, where is thy blush?

R. Boon

Washington, Dec. 17, 1832

John Tipton to Noble[1]

Washington 18 Decr 1832

Sir I have received your favour of the 8 and other letters and the paper alluded to.[2] it was unfortunate that you did not understand my veiws of the land bill I was opposed last session on act. of its beeing entirely new and a very important question *thrown into the senate by party.* I could not go for it then, but expected to support it this year unless instructed to do otherwise. your notice of it may defeate me but my mind is prepared to become the victom of *party.* that liberality extended to my friend Capt Dunn and others in 1829 is not forgotten nor it seems never will be by *whole hogs.*[3]

I called 3 times on the Comr of the Genl land office, or rather at his office, he absent. I will see him attend to your business and will write again soon.[4]

Yr obt servt

John Tipton

His Excy N Noble Indianapolis

[1] ALS. ISL: Indiana Division, John Tipton Papers.

[2] See above.

[3] Following Jackson's inauguration as president in March, 1829, Tipton had recommended that Williamson Dunn, register in the Crawfordsville Land Office, and some other Clay men, including Noble who held the job of receiver at the Indianapolis Land Office, be retained. *John Tipton Papers,* 2:151-52. Jackson did not heed the recommendation.

[4] See above, 12.

Noble to the Senate: Transmitting Communications[1]

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, December 21, 1832.

GENTLEMEN OF THE SENATE:

At the request of the Governor of the state of South Carolina, I herewith lay before you, and through you, before the other branch of the Legislature, an address to the people of the United States, prepared by a convention of the people of that state, to which is added the report of the committee of that convention, an address to the people of the state, and an ordinance nullifying the laws of Congress, denominated the Tariff laws.[2]

Respectfully,

N. NOBLE

Noble to the Senate: Transmitting Correspondence[1]

EXECUTIVE DEPARTMENT
INDIANAPOLIS, Dec. 21, 1832.

GENTLEMEN OF THE SENATE:

A joint resolution of the last General Assembly, relating to the late sale, at the United States Land Office, at Cincinnati, of

[1] *Senate Journal,* 1832-33, p. 116.

[2] Noble's letter and the accompanying documents were referred to a select committee of the Senate composed of John Dumont, James Whitcomb, and James Farrington; in the House William B. Slaughter, Marks Crume, and Harbin H. Moore made up the select committee. Two days before this message was received from the Governor, the House had passed a resolution containing the statement: "That we hail the Unionists of South Carolina as patriots of the stamp of '76 and bid them hold steadily and firmly on their course." This and another resolution reported from the select committee were tabled in the Senate in favor of a preamble and joint resolution of that body denouncing the doctrine of nullification. This passed both houses by unanimous consent. *House Journal,* 1832-33, pp. 158-60, 198, 200, 233-34, 322; *Senate Journal,* 1832-33, pp. 116-17, 118, 140, 188; *Laws of Indiana,* 1832-33, pp. 238-40.

[1] *Senate Journal,* 1832-33, pp. 208-9. Noble transmitted the same documents to the House. See below, 171-72. See also Noble to the Speaker of the House, January 19, 1832, above, with notes.

the saline reserve, belonging to the state, situated in Dearborn county, made it the duty of the Governor, to open a correspondence with the Commissioner of the General Land Office, either directly, or through the medium of our representation in Congress, with a view to regain undisputed possession of the property, or obtain other lands in its place; the result of which correspondence, with such other information as might be procured, to be laid before the legislature at its present session.

In compliance with the duties imposed, a correspondence was opened, and I now submit to the Legislature, through your branch, all the information, facts and documents procured on the subject, to wit:

A, is the copy of a letter addressed our Senators, explaining the nature of our claim to the Salt Lick, with the history of the transaction, which led to its sale by the United States;[2] to which letter no answer has been received.

B, is a letter from the Register at Vincennes, with accompanying papers, called for by my letter to him, of the 24th November.

C, is a letter received from the Register of the Land Office at Cincinnati, with the documents referred to, numbered from 1 to 10, in answer to a call made upon that officer.

I also lay before you a newspaper containing what purports to be a report from the committee on public lands, to the Senate of the United States, with the correspondence referred to, marked from 1 to 9, which is, no doubt, genuine, but of this report, or the proceedings had before the committee, no communication has been made to the Executive department of this state.

Upon an examination of this report of the Senate's committee, your surprise will be excited to find that a sale of this section was contemplated, by the Commissioner of the General Land Office, several years since, and owing to his erroneous opinion, a sale was ordered; but when compared with other facts and documents, you will perceive that the conclusions of the committee are wholly untenable, and that in place of there being "no evidence in the

[2] See Noble to Senators Tipton and Hendricks, April 14, 1832, above. For the other letters and documents transmitted to the Senate by Noble, see *Senate Journal,* 1832-33, pp. 211-22.

field notes, or in any book, map or plat, in any of the offices, that section 25, ever had upon it a salt spring, or was ever reserved as such," we have abundant and incontestible evidence, that the United States Surveyors, reported it as a saline reserve, "containing an extraordinary salt lick, said to be superior to any in the Territory," and that the United States Land Officers have withheld it from sale since September, 1804, because it was known as a salt spring, was reserved under the act of Congress of May, 1796, and it is now marked as a "saline reserve," on the office map of the Register.

To the suppression of so material a portion of the correspondence, with the Register and Receiver, at Cincinnati, as that of the Receiver's letters, numbered 3 and 4, by the Commissioner of the General Land office, in his reply to the committee on public lands, and some other remarkable facts disclosed by the papers laid before you, I beg leave to invite the particular attention of the Legislature, and to ask whether these are not sufficient to satisfy us, that we must not tamely surrender a property, worth eight or ten thousand dollars, or look to the judiciary for its restitution.

N. Noble

Ratliff Boon to Noble[1]

[December 24, 1832]

To His Excellency Noah Noble, Governor of the State of Indiana

Sir—I took the liberty a few days since, of addressing you through the medium of the *"Indiana Democrat,"* charging you with having been guilty of making *two* official misrepresentations in reference to Mr. Clay's land bill, and the proceedings had thereon:[2] and believing now, as I did *then,* that your sole object was to operate upon the election of a United States Senator then pending before the Indiana Legislature, and also to bring your

1 Indianapolis *Indiana Democrat,* January 9, 1833.
2 For Boon's first letter to Noble see above, 161-63.

"official influence," to act upon the three Representatives in Congress, from the State of Indiana, at the next August election, I deem it due to myself and to the people of Indiana, to expose another and still more gross misrepresentation made by you, in your late imposing message to the Legislature. In speaking of the benefits that would have resulted to the *State* of Indiana, from the passage of Mr. Clay's land bill, you use the following language: "Our part of the whole sales in the United States, would for *this year,* have amounted to near two hundred thousand dollars, had the bill passed the lower house"; when the bill itself, as published in the *"Indiana Journal,"* of the 8th inst. shows that it was not to have taken effect until the very last day of *"this year."* Now, sir, you cannot plead *ignorance* in this matter; you must therefore stand convicted before the public of having *"officially"* misrepresented this matter for *political* effect. Should you plead *ignorance* however, it must be conceeded by all, that you are a "weak brother," and wholly unqualified to discharge the duties of the office you now *hold* as Governor of Indiana. You have travelled out of the range of your duty and attempted to bring your *"official influence"* to bear upon myself and colleagues, for having voted for the postponement of Mr. Clay's land bill until the present session of Congress, in the hope, no doubt, that it would operate upon the election of United States Senator, as well as upon the next August election for Representatives to Congress; but in vain will you endeavor to induce the poor man to believe that it is his interest to pay one dollar and twenty five per acre for *refuse* public lands, for the purpose of enriching the several State *Treasuries,* the money in which, to be a fund to promote the views of—popularity hunting *Governors.*

If it should so turn out that the postponement of Mr. Clay's land bill of the last session of Congress, shall in the end, secure more for the people of the *new* states, than was proposed in Mr. Clay's bill, where will you hide your unblushing face, or how will you account to the people of Indiana, for the *misrepresentations* made by you, in your late message to the Legislature? So long as the executive officer of the state, continues to walk in the paths of *truth* and *propriety,* he will find me ready and willing to

defend him and his administration. But whenever, he shall descend to make *false* communications to the Legislature, and the people of the state, intended or calculated, to cast *censure* on my public acts, he will find me ready to *defend* myself, and to *expose* to the public, his naked deformity, be him whomsoever he may.

WASHINGTON CITY, Dec. 24, 1832 R. BOON

Noble to the Speaker of the House: Transmitting Correspondence[1]

EXECUTIVE DEPARTMENT,

INDIANAPOLIS, Dec. 26th, 1832

TO THE HON. J. W. DAVIS,

SPEAKER OF THE HOUSE OF REPRESENTATIVES:

SIR:—In compliance with a resolution of the House of Representatives, calling for the correspondence with the Secretary of War, authorizing the belief on my part, that the militia called into service the last summer would be paid by the General Government; I herewith lay before the House, the communications from the Secretary of War to this Department, bearing date the 3d of August, and the 29th Oct.[2]

N. NOBLE

Noble to the President of the Senate: Transmitting Resolutions[1]

EXECUTIVE DEPARTMENT,

INDIANAPOLIS, 5th January, 1833.

SIR:—Through the Senate, I lay before the Legislature sundry resolutions passed at the present session of the Legislature of

[1] *House Journal,* 1832-33, p. 221.

[2] The letters were not printed in the *House Journal* and the originals have not been found.

[1] *Senate Journal,* 1832-33, pp. 229-30.

Pennsylvania, relative to the union of the states and the constitution of the United States.[2]

N. NOBLE

THE HON. DAVID WALLACE, President of the Senate:

Noble to the Senate: Transmitting Communications[1]

EXECUTIVE DEPARTMENT,

INDIANAPOLIS, 10th January, 1833.

THE HON. DAVID WALLACE, President of the Senate:

SIR:—Through the mail of yesterday, I received the following communications, viz:

A letter from the Governor of Illinois, informing us of an appropriation on the part of that state, of $11,985 16 for the improvement of the navigation of the Wabash river, inviting an equal sum with the co-operation of this state.[2]

Sundry resolutions from the Legislature of the same state, growing out of the President's proclamation, with a reference to the late proceedings of the state of South Carolina, and a joint resolution from the General Assembly of the same state, recommending a more perfect organization of the militia of the several states.

All of which are submitted for the consideration of the Legislature.

N. NOBLE

[2] No action was taken on the Pennsylvania resolutions at this session.

[1] *Senate Journal,* 1832-33, p. 246.

[2] The committee on canals and internal improvements to which this communication was referred, reported a bill to provide for the improvement of the Wabash River in co-operation with the state of Illinois. A part of the money for the improvement was to come from the counties near the river, the other part from the state as a whole. The bill passed the Senate on January 19, but was tabled in the House two days later. *Senate Journal,* 1832-33, pp. 287, 296, 303-4; *House Journal,* 1832-33, p. 449; below, 181-82. A bill providing for Indiana's co-operation in improving the river was introduced at the following session and passed. See below, 197-98n.

Noble to the Senate: Transmitting Georgia Resolutions[1]

EXECUTIVE DEPARTMENT,

INDIANAPOLIS, January 21, 1833.

THE HON. DAVID WALLACE, President of the Senate:

SIR:—I lay before the Senate, two resolutions from the Legislature of the state of Georgia, one of which, recommends the call of a convention, and proposes sundry amendments to the Constitution of the United States, and the other, in responding to the Tennessee resolutions, denies that the General Government has the power, under the Constitution, to enter into a system of internal improvements.[2]

N. NOBLE

John Tipton to Noble[1]

WASHINGTON 22d Jany 1833

DEAR SIR—In reply to your letter of the 31st of last mo.[2] I have to state that I never intended to convey the Idea that I believed you intended to injure my election, but that by the election of speaker on one side[3] and the alusion to the vote from the other, on the land bill,[4] that it woud rouse party and cause my Clay friends to leave me and unite on a man of their own party, and being aware of the opposition of part of the Jackson party I had little to hope from them. I cannot notice Boones letter.[5]

The H of Reps is discussing the Tariff. in the senate we have a bill to enable the president to enforce the collection of the revinue by transfering the office of the customs to any part of a port, or on board a vessell. it came up to day and on a motion to fix a

1 Indiana *Senate Journal,* 1832-33, p. 317.

2 The resolutions were laid on the table. *Ibid.,* 317-18.

1 ALS. ISL: Indiana Division, Noble Papers.

2 Not found.

3 John W. Davis, of Sullivan County, was elected speaker of the House for the 1832-33 session.

4 See Noble's message to the Assembly, above, 145-48, and notes.

5 Tipton refers to Boon's letters to Noble, printed above, 161-63, 166-68.

day to consider it we had some warm discussion, Calhoun & Miller both engaged.[6] the day (next monday) named by [MS torn] was fixed on with but 9 opposeing votes I hope and believe that Mr C will go against nullification if so he can do much good. the papers have the news

Yr obt sevt

JOHN TIPTON

HIS EXCY N NOBLE

Noble to the House: Transmitting Correspondence[1]

EXECUTIVE DEPARTMENT,

INDIANAPOLIS, 26th January, 1833.

THE HON. JOHN W. DAVIS,

Speaker of the House of Representatives,

SIR:—In compliance with the call made by a resolution of the House, I now lay before it, the correspondence and documents, herewith transmitted, relating to the saline reserve, belonging to the State, in Dearborn county.[2]

Among the documents, will be found a printed report from the committee on public lands, to the Senate of the United States, in which that committee says there is no evidence in the field notes, or in any book, map or plat in any of the offices, that section 25 ever had upon it a salt spring, or was ever reserved as such. Before making this report, the committee by a resolution of the Senate, called on the commissioner of the General Land Office, for all the correspondence, facts and proceedings relating to this reserve; in answer to which, the commissioner suppressed all the material facts of the case, such as the files of his office did afford, and such as must have reversed all the conclusions to which the committee arrived. This opinion, the House will concur in, upon an exam-

[6] John C. Calhoun and Stephen D. Miller, senators from South Carolina.

[1] *House Journal,* 1832-33, pp. 528-29.

[2] The documents are the same as those transmitted to the Senate, above, 164-66, and printed in the *Senate Journal,* 1832-33, pp. 200-22.

ination of the letter from the Register of the Land Office at Cincinnati, marked C, and two letters from the Receiver, to the Commissioner of the General Land Office, objecting to the sale, numbered 3 and 4, from which the House will perceive also that this section has been known as a saline reserve, since 1804, that the U. S. Surveyor returned it as containing a salt spring, superior to any in the Territory of Indiana, and that it has always been known and reserved as such by the Land Offices of the U. States.

N. Noble

Noble to the House: Transmitting South Carolina Resolution[1]

Ex. Department,

Indianapolis, Feb. 1st, 1833.

Sir:—I lay before the House of Representatives a joint resolution from the legislature of South Carolina, calling for a Convention of the States, to determine such questions of disputed powers as have arisen between some of the States of the Confederacy and the General Government.

N. Noble

The Hon. John W. Davis,
Speaker of the H. of Rep.

John Test, Jr., to Noble[1]

Greensburg Ind. Feby. 18, 1833

Gov. Noble Since my communication dated at Versailles was written, I have arrived at home.

The names of those gentlemen both in this County and Ripley who have been pleased to recommend my appointment, must all be familiar to you. Judge Eggleston has declined indicating any prefference to applicants—I have only learned by the note of Mr Lanier that Mr C. Cushing was an applicant. his application has

[1] *House Journal,* 1832-33, p. 611. The resolution was laid on the table without any action being taken on it.

[1] LS. ISL: Archives Division, Secretary of State file.

been recent, and I presume your Excelly. would delay the appointment until others would have an opportunity of procuring testimony of qualification, or until there should be some expression on the subject of an appointment which so nearly concerns the publick intrest.

If I could have had more time, a more imposing array of names might have been furnished your Excel: but none more respectable than those contained in these documents which have been completed within twelve hours. As to the claims of Mr Cushing if common delicacy would permit, I could say nothing, for his residence in the state has not been sufficiently long to enable us to form any acquaintance with him.

I am yours &c.

Jno. Test jr[2]

Gov. Noble

[Endorsed:] Issd 21st Feby 1833

[Enclosure]

His Excellency Gov Noble The undersigned, understanding that our fellow citizen John Test Jr. Esqr. has become an applicant for the office of prosecuting attorney of this district, cheerfully avail themselves of oppertunity to bare testimony to his merrits as a gentleman and a Lawyer—we believe Mr. Test possesses quallification well suited to the discharge of the duties of that office with honor to himself and to the advantage of the public. We would also respectfully suggest that our county has not, as yet, received the honor of furnishing an officer for the public service—Whether the extent of our population and our growing importance entitle us to an equal rank with our neighbours in this respect is a matter for Your Excellency to determine

Feb 18 1833

Andrew Davison	Wm. Fowler
N D Gallion	Thos. Hendricks
J. T. Brown	Samuel Bryan
A M Teal	Henry H. Talbott

[2] Test was appointed prosecuting attorney of the Third Judicial Circuit to serve until the close of the next session of the General Assem-

William P. Bryant to Noble[1]

Rockville February 19th 1833

Dear Sir It is my mealancholy duty to inform you of the death of the clerk and recorder, of Parke County,[2] which happened on the morning of the 17th ult. To say nothing of this occurence as a misfortune to friends & relatives, it adds largely to the already embarrassed condition of our county having had no deputy clerk for the last two years, he was the only living witness to innumerable *personal rights* the recorded evidences of which was consumed by the burning of the clerks & recorders offices. Believing that the *protempore* appointment which will be made by the Judges of the Circuit Court will not be likely to be confirmed by the people it is earnestly requested by all the citizens with whom I have had any conversation on the subject that your Excellency may issue a writ of election at an early period as it is not expected that the officiating clerk will feel that deep interest in restoring the office that a permanently enstalled clerk would.

I believe it is the wish of the citizens to have the election on the first Monday in April, so that by the first Monday in May at which time our Circuit Court will be holden, the new clerk may be commissioned. Not being able to find any law making it the duty of any particular officer or citizen to give information of this kind to the Executive I have at the request of many citizens assumed the responsibility. The *protem* appointment has not yet been made one of the associate judges being a candidate it will not be made until His Honor Judge Porter can be brought over.[3]

bly. Courtland Cushing was elected to the office by the Assembly on December 5, 1833. *Executive Proceedings, 1816-1836,* pp. 307, 308.

1 ALS. ISL: Archives Division, Governors' Correspondence.

2 Wallice Rea, who was serving his second term as clerk and recorder, having been first commissioned in 1821.

3 Joseph Potts, probate judge, became clerk pro tem. John G. Davis was elected to the office at the special election and commissioned on April 12. The office of recorder was not filled until the regular August election when Duncan Darroch was elected. *Executive Proceedings, 1816-1836,* pp. 553, 554.

Mrs. Bryant joins me in wishing to be remembered to Mrs. Noble & Miss Lucinda[4] Respectfully Yours

His Excellency Noah Noble Gov. of Ia. Wm P Bryant

[Endorsed by Noble:] Let a writ of election go out N. Noble

[Endorsed by Secretary of State:] Writ of election issued 1st Mch 1833

Noble to the Wabash and Erie Canal Commissioners[1]

Indianapolis March 27, 1833

Gentlemen, Upon my return from a ride of two days to an adjoining county I recd. at the Post Office, your letter mailed the 13th Inst with a copy of the one addressed to the Comr. of the Genl. Land Office relating to that portion of our canal lands within the jurisdiction of the State of Ohio.[2]

4 Noble's youngest sister, Lucinda, may have been staying with them at this time.

1 ADftS. ISL: Indiana Division, Noble Papers.

2 Upon receiving word that the Ohio General Assembly had passed a joint resolution inviting Indiana to select the canal lands along the route of the Wabash and Erie Canal in Ohio, and that the greater portion of these lands were in market and selling rapidly, the canal commissioners wrote to the Governor soliciting his help and advice. In their letter to the General Land Office the commissioners proposed that the canal route through Ohio as surveyed by United States engineer Howard Stansbury be adopted, and that the land sales be suspended until the intersections of the canal route with the sectional lines of the public surveys could be surveyed and selection made of lands granted by the Federal government for construction of the canal. The Commissioner of the General Land Office did not consider himself authorized to suspend the land sales, but Noble appealed to the secretary of the treasury, and the suspension was ordered. Noble's correspondence with the Land Office and the Secretary of the Treasury is printed below, 177-78, 182-85, 188-90. See also report of the canal commissioners to the General Assembly, December 24, 1833, in *House Journal,* 1833-34, pp. 161-62.

In the course of these proceedings the Indianapolis *Indiana Journal,* July 13, 1833, commented that Noble's handling of this matter was typical of "that promptitude and watchfulness over the public interest

For the benefit of our favorite work of Internal Improvement and in aid of your views I have written the Com. of the Genl. Land Office requesting a suspension of the sales, under the late pre-emption laws or otherwise of the lands within the grant to this state along the canal line as surveyed by the U. S. Eng. until this state can report the intersection of the route with the section lines & make our selections in accordance with the instructions of the Treasury Dept of the U. S. regulating the selections within this State. In addition to this I have addressed letters to the Land officers at Piqua & apprising them of our claim and requesting also a suspension of the sales until the proper officers of the General Government shall have instructed them on the subject.

As regards my advice & wishes taking into view your *'powers'* and the *propriety* of adopting Mr Stansberrys line and as proposed by your letter to the Comr of the Genl Land Office and of proceeding with the selections, I can only say that I know of no objections to the location as made by Mr Stansberry & if there be room to doubt your powers you can safely rely on the legislature to cure any objection of that kind acting for the public good. The late preemtion law of the united States, the passage of the resolutions of Ohio authoriseing us to proceed and the comeing sale of lands along part of the line are circumstances comeing to our knowledge since the adjournment of the legislature which seem to call for some steps on our part and presuming from your knowledge of the route that you are satisfied the location cannot be advantageously changed I can perceive no better plan to guard the interests of the State than the one named.

At the eve of the adjournment of the legislature I recd. a copy of the resolutions reported by the Select Com. to the Ohio Legislature After [it] had been addressed, the Executive of that State, and believing that to avoid some two years suspension of the sales of the U. States lands on the line, some measures might be necessary the ensuing summer a suggestion of the kind was made to several members of the legislature as well as to one of your board

which have characterized his administration." See also Noble's message to the next Assembly, below, 195-96.

but such was the hurry of the close that no instructions were sought suited to subsequent events.

I am &c.

N. Noble

[Endorsed:] Copy Canal Comrs. March 1833

Noble to the Piqua Land Office[1]

Ex Dep In[dpl]s 27 March '33

Sir, By an act of Congress of the 2d March 1827 each alternate section of land 5 ms in width on each side of the W & E canal was granted to this State to aid in the construction of the work. Pending the late negociations with Ohio relating to the extension of the canal to the lake through her country nothing has been done towards the designation of the lands granted. The recent adjustment of the question enables this state to proceed with the selections &c. and for fear the sales, under an late preemption law or otherwise may interfere with the prior right of the State to the lands I have thought it best to write you that you may prevent further entries along the line until you get further instructions from the proper officers or Washington, to whom I have written on the subject.

Copy to Land officers Piqua &c

[Endorsed] Copy to Register Piqua

Noble to the Commissioner of the General Land Office[1]

Executive Department Indianapolis 27. March 1833

Sir, By an Act of Congress of the 2d. March 1827, an alternate section of land for five miles in width on either side of the Wabash

[1] ADftS. ISL: Indiana Division, Noble Papers.

[1] ADftS. ISL: Indiana Division, Noble Papers. Elijah Hayward, land office commissioner, replied to this letter by letters of April 13, 16, and 18. General Land Office, Miscellaneous Letters, 4:89, 93. Noble refers to these in his letter to the secretary of the treasury on May 18, printed below.

and Erie Canal was granted to Indiana to aid her in the construction of the work. Oweing to the interference of the jurisdiction of Ohio in that part of the route within her limits no steps have been taken by the authorities of Indiana for the selection of the lands in Ohio. Since the close of the late session of our legislature Gov Lucas has transmitted [to] me an official copy of the joint resolutions of the Legislature of Ohio by which that State has undertaken to procure the extension of the canal to the Lake or authorize Indiana to do it and has invited the adoption of such measures as may be necessary to the selection of the lands within her territory. The authorized agents of this state with as little delay as possible, will be prepared to ascertain the intersection of the line of the route with the section lines of the lands through which it passes along the margin of the Maumee and as the sales under the late pre-emtion law and otherwise may [interfere] I have therefore to request that sales be suspended &c

I need hardly remark that this state has brought[?] herself with[in] conditions of grant and as the terms adjusted with O, there is no remaining[?] doubt of its completion,

[Endorsed:] Copy to Hayward

Stephen B. Gardner to Noble[1]

New Port April 5th 1833

Dr Sir, Having recently come into possession of a valuable Farm with Saw & Grist Mills &c. I have found it to my interest to remove from this place to the possessions. In consequence of which removal, I have determined on resigning my present Offices as Clerk of the Circuit Court and Recorder of this County (Vermillion)—I hope therefore you will receive this as a resignation and accept the same as if in due form— It is desirable that an Election should take place as soon as possible—perhaps the 4th Monday of May would be as early as practicable by giving the Sheriff the legal orders to that effect. I am sure you would ac-

[1] ALS. ISL: Archives Division, Governors' Correspondence.

comodate & add to the convenience of a large portion of our good citizens—

Most respectfully, Your friend

STEPHEN B. GARDNER

N. B. Our friend Rush will be a candidate & will doubtless be Elected[2]

I live 4 miles west of New Port, which is the nearest P. O.

[Endorsed by Noble:] Send out a writ Noble

[Endorsed by Secretary of State:] Writ to fill vacancy issued 15th Apl 1833

Noble to Lewis Cass[1]

EX. DEPARTMENT INDIANAPOLIS April 12, 1833

SIR, Whilst on the late expedition to Chicago a number of individuals of Col Russells detachment lost their horses, upon some of whom the loss bears peculiarly hard, consequently they are anxious to know if their claims are to be paid out of the late appropriations by congress. Will you do me the favour to say whether the appropriations alluded to are designed to meet losses when horses escaped on the march or were left in the wilderness unable to travel & never recovered if so will you have transmitted any regulations of your Department necessary to be observed in presenting evidence in support of such claims.[2]

Suffer me, Sir, also to trouble you again with the claims of those who furnished provisions for the detachment, an account of which was transmitted with the muster rolls by the Adjt Genl. These provisions &c were procured at prices which would have com-

2 John W. Rush resigned the office of probate judge to run for the clerkship. He was successful and was commissioned June 8. Rezin Shelby was recommended for the office of probate judge to succeed Rush and was appointed by the Governor on May 6. *Executive Proceedings, 1816-1836,* p. 634; Rush to Noble, May 4, 1833, Archives Division, Governors' Correspondence.

1 ADftS. ISL: Indiana Division, Noble Papers.

2 This paragraph of the letter was referred to the Treasury Department. See reply from the auditor, Peter Hagner, below, 181.

manded the money long since and those who furnished them are in great need of their pay.[3]

I am sir, with high regard Your Obt Svt

N. Noble

The Hon Lewis Cass

[Endorsed:] Copy to Mr Cass 12 Apl 1833 lost horses & the provision A/c for Russells troops

M. S. Jessup to Noble[1]

Quarter Master Gen'ls. Office,

Washington City, Ap'l 27th 1833.

Sir,—Your letter to the Secretary of War dated the 12th instant was referred by him to this office yesterday; and in reply to the last paragraph, I have the honor to inform you that instructions were sent to Major J. B. Brout, Quarter Master at St. Louis, to cause all proper accounts, such as those referred to by you, to be paid, as early as the 6th of this month, and he was authorised to detach an officer of the department provided he should consider it necessary.

The subject of the first paragraph of your letter, (that of horses lost,) being one with which the 3d auditor of the Treasury is charged by law, I have referred your letter to him, and he will furnish the information you desire.

I am, Sir, respectfully, Your ob't. serv't.

M. S. Jessup, Q.M. General

His Excellency N. Noble, Governor Indiana, Indianapolis

3 For reply to this paragraph, see immediately below, letter of the Quartermaster General to Noble.

1 Indianapolis *Indiana Journal,* May 11, 1833.

Peter Hagner to Noble[1]

Treasury Department,

3rd Auditor's office, 29 April 1833

Sir,—Your Excellency's letter to the Secretary of War of the 12th inst. has been this morning referred to this office, and in compliance with that part thereof requesting the transmission of the regulations necessary to be observed in presenting evidence in support of claims for lost horses, I have the honour to send a copy of the instructions which have been prepared with respect to the testimony requisite to be produced to substantiate such claims, together with a copy of the law making it my duty to settle them.[2]

With great respect, Your mo. ob. serv't.

Peter Hagner, Aud.

His Excellency, Govr. N. Noble, Indianapolis.

Secretary of State to the Governor of Illinois[1]

Executive Department, Indiana,

Secretarys Office, April 29th 1833.

Sir Your communication, to His Excellency the Governor of this State, informing him of the appropriation made by Illinois towards improving the navigation of the Wabash river, was received in due time, and the subject laid before the General Assembly, which was then in session. A Bill was introduced, on the subject, but owing to a difference of opinion, between the two Houses, in regard to its details, no appropriation was made.[2]

1 LS. ISL: Indiana Division, Noble Papers. The letter was printed in the Indianapolis *Indiana Journal,* May 11, 1833.

2 The copy of instructions has not been found. The law Hagner referred to, approved February 19, 1833, provided for the payment of horses and arms lost in the military service of the United States against the Indians on the frontiers of Illinois and the Michigan territory. U. S. *Statutes at Large,* 4:613.

1 ADS. ISL: Archives Division, Secretary of State file.

2 See above, 169, and note.

The immense advantage that must result, from a united effort of this kind, to the agriculture and commerce of the rich and extensive country bordering on the upper Wabash, furnishes strong evidence to believe that the liberal and enlightened policy manifested by Illinois, in this appropriation, will be responded to by Indiana in a manner not less honorable to her.

I have the honor to be, with great respect, Your Excellency's most obedient and most humble servant—

WM SHEETS

TO HIS EXCELLENCY GOV. REYNOLDS.

Noble to the Secretary of the Treasury[1]

EXECUTIVE DEPARTMENT,

INDIANAPOLIS, May 18, 1833.

SIR: It is with some reluctance that I claim your attention to a subject of some importance to Indiana, knowing that you have much to employ your time; but fidelity to the state and the interest of our Canal seem to call for an effort on my part to prevent a diminution in the proceeds of the lands granted to this state for canal purposes. You will recollect that by the act of the 2d of March, 1827, an alternate section, five miles in width on each side of the line, was given to this state for the construction of the Wabash and Erie Canal. That we might avail ourselves of the benefit of the grant, and to afford an opportunity to ascertain the intersection of the route with the section lines, and to make & report the selections, application was made for a suspension of the sales upon that part of the canal within this state, in compliance with which instructions were issued to the Land Offices suspending the sales; and in accordance with the spirit of the act the state is now enjoying the benefit of the donation, whilst the treasury of the United States, owing to the rise of the lands, must have been enriched some thousands of dollars by the delay. The late deliberations of the Legislature of Ohio, since the adjournment

[1] Indianapolis *Indiana Journal,* July 13, 1833. For discussion of the subject of his letter see above, 175-76n.

of the General Assembly of this state, have settled the question as to the extension of the work from our dividing line to the Lake, and this state is invited to make selection of the lands granted within the territory of Ohio. The recent adjustment of the subject with Ohio, and the removal of all doubt as to the extension of the work beyond our line to the Lake have given these lands a new and high character, and knowing that they would now be sought for with avidity, an application was made to the Commissioner of the General Land Office for a suspension of the sales upon the route in Ohio until the agents of the state can determine the intersection of the canal with the section lines, make the selections of the lands granted, and report thereon. In his final answer to the request alluded to, the Commissioner, by letter of the 18th of April, refuses to withdraw the lands from entry on the ground that he knows of no law authorizing him to do so. It is admitted there is no law enjoining as a duty the suspension of the sales, but we have a law of Congress making the grant, and why it is that we are now to be deprived of time and opportunity to have the lands set apart as upon the former occasion, and as other states have done, I can perceive no good reason.

These lands constitute an important item in our means for the completion of the work, and if classed and sold as we disposed of those on this side of the state line will yield us $1 50 to $4 00 per acre. Consequently if the sales are persisted in, you will strip us of our resources in the same proportion that these prices bear to the Congress price; whilst on the other hand if you permit us to use the lands granted by Congress, the value of the donation will not only remain unimpaired, but the lands falling to the United States within the grant, if sold at public auction twelve or eighteen months hence, will bring to the treasury from fifty to one hundred thousand dollars more than they will now bring.

Satisfied that the Commissioner, in depriving us of an opportunity to secure the lands granted, has reversed the course of the officers of the general government upon similar occasions, and finding from his letter that the subject has not been submitted to the President or to yourself, application is now made to you

with a request that the lands donated to the state beyond the Ohio line, may be withdrawn from entry until the authorities and agents of the state can be permitted to take such steps as will preserve the value of the grant.

I avail myself of the opportunity to renew assurances of my high esteem and regard for your character, and I remain your obedient servant.

N. Noble

Hon. Louis M'Lane

Secretary of the Treasury to Noble[1]

Treasury Department, June 14, 1833.

Sir: I have had the honour to receive your Excellency's letter of the 18th instant, addressed to my predecessor, and have carefully examined the correspondence which had previously taken place between the Commissioner of the General Land Office, and you, and the Canal Commissioners of the state, and others, on the same subject.

From these it appears that the route of the Canal within the state of Ohio has not yet been located and agreed upon; and therefore the lands to which the state of Indiana will be entitled cannot now be ascertained. It appears however that the probable route will be that marked out by Mr. Stansberry, one of the United States' Engineers in 1829, a copy of which is represented to have been deposited in the office of the Secretary of State at Indianapolis, and in the War Department at Washington. As there is good reason to believe that unless the lands on the probable route be withheld from sale, the aid which Congress intended to afford the Canal will not be realized, and as such an arrangement was adopted on former occasions, both with respect to lands granted to Indiana and Ohio, I have requested the Commissioner of the General Land Office to instruct the officers of the land districts through which the line marked out by Mr. Stansberry would pass to withhold from public sale and entry

[1] Indianapolis *Indiana Journal,* July 13, 1833.

the lands within five miles on each side of that line;—the instruction, however, not to be understood as interfering with preemption rights within that limit.

In communicating this result allow me to express a hope, that, by an early location of the Canal, the subject may be relieved of all further difficulty.

It affords me great satisfaction to be able to gratify your Excellency's wishes in this matter, and I avail myself of the occasion to assure you of the respect with which I am

Your obedient servant,

W. J. DUANE,

Secretary of the Treasury

HIS EXCELLENCY GOVERNOR NOBLE.

Micajah T. Williams to Noble[1]

SURVEYOR GENERAL'S OFFICE

Cincinnati, July 25, 1833.

SIR: Your favour, post marked 19th inst, came duly to hand.[2] It has remained for a few days unanswered, in consequence of the illness of my wife. I have now the honor of stating, in reply, that the subdivision of fractional sections under the act of the 5th April, 1832, has progressed for the past *nine* months as fast as *one* clerk could progress with the work, and that for some months past *two* clerks, and now *three,* have been engaged at it.[3] Under the present arrangement I am in hopes of being able to furnish the

[1] Indianapolis *Indiana Journal,* August 3, 1833. Williams was surveyor general at this time.

[2] Not found.

[3] The act of April 5, 1832, provided that the public lands could be purchased in forty-acre tracts after May 1, 1833. Heretofore the minimum had been eighty acres. The line dividing the eighty-acre tracts was to run east and west. U. S. *Statutes at Large,* 4:503. Sale of fractional half quarters had been postponed until the surveyor general devised a plan for dividing the half quarters. Meanwhile, some settlers, unable to buy the fractional tracts, had lost their improvements thereon. This delay of sale prompted Noble's letter. Indianapolis *Indiana Journal,* August 3, 1833.

different Land Offices in Indiana with *copies* of the subdivisions in question in the course of the ensuing three months.

The work in most of the Districts is in progress—in some it is nearly completed—for the Indianapolis District the plats are this day forwarded.

I very much regret the delay which has attended the forwarding of these Plats of Subdivision to the different Land Offices, but it must be attributed to the entire insufficiency of the means provided by law for the execution of the various duties devolved on this office by the acts of congress relating to the public lands, and particularly by that of 5th April, 1832. To subdivide the fractional sections under this act, within the limits of the surveying department, would probably require the time of a competent clerk one and a half years. When the act was passed, this office had not clerks enough to perform the *current duties*. Under these circumstances, I appropriated one clerk to making the subdivisions, which was all that the office could do without an entire interruption of the ordinary and current business. Recently the Secretary of the Treasury has taken upon himself the responsibility of authorizing the employment of *three* additional clerks. But for this it would have been impracticable for this office, in the course of another year, to have furnished all the Land Offices with the subdivisions in question, without an abandonment of its other responsibilities.

We have not divided a single fraction yet within the state of Ohio.

I am, with much respect, Your obt. servt.

M. T. Williams

Gov'r. Noble, Indianapolis

Charles I. Battell to Noble[1]

Mt. Vernon 18th September 1833

Noah Noble Esquire Governor of the State of Indiana

Sir: Herewith is enclosed the order of the Circuit Court of

1 ALS. ISL: Archives Division, Governors' Correspondence.

this County in the case of Adam Moffett & others vs Presley Pritchett on a contested election, by which you will see the contest was dismissed— This is the matter about which you did me the honour to write, for which I am sincerely thankful. It is presumed that there is now no obstacle to the issuing of a certificate. If you think so, you would confer a favor upon numerous citizens, if you would issue one. No appeal was taken by the contesting party, as the certificate proves, and as was the fact; so nothing farther can be done by them, as we suppose—at any rate, it will not be pretended, that we are obliged to wait their motions. In my opinion, the legislature by their enactment in the 28th Sn. of the law regulating county business never intended to give an appeal in case of contested elections. The ninth section of the act "to provide for electing county and township officers" fairly construed, gives final power to the Judges This interference of the Judiciary with the elections, is inconsistent with the spirit of our institutions, calculated to make our courts odious & often productive of great inconvenience[2]

I anticipate great pleasure in cooperating with you as a part (however humble) of the legislature—and feel honored by your allusion to my election[3]

Be assured your excellency has always been held by me in great esteem, and your opinions on great political subjects have rarely differed from mine.

I am Yr. Obt. St.

Charles I. Battell

[Endorsed:] Commissioned 7th October 1833

[2] Pritchett was commissioned justice of peace for Posey County. He had received the same number of votes as his opponent, Moses Welborn. It was decided by lot, on May 27, that Pritchett should be commissioned, but this decision was contested. The circuit court dismissed the case. *Executive Proceedings, 1816-1836,* p. 569.

[3] Battell had been elected to the state Senate. He had previously served as prosecuting attorney of the Fourth Judicial Circuit.

William C. Linton to Noble[1]

Terre Haute Sept 21 1833

His Excellency Noah Noble

Dear Sir I take great pleasure in recommending Mr S. B. Gookins to your notice as a young man of estimable character and in every way qualified to discharge the duties of Notary Public for which post he is an applicant.

We have here anticipated the pleasure of a visit from you and Mrs. Noble—Should you come you must drive up to my House at once I have stables, grooms beds and rooms for all of your suite—

Your friend & ob st

Wm C. Linton

[Endorsed:] Appointed 27 Sept 1833

Noble to the Secretary of the Treasury[1]

Executive Department,

Indianapolis, Ia. Oct. 10, 1833.

Sir—My official situation imposes upon me the duty of again addressing the Secretary of the Treasury on a subject involving, in no small degree, the interests of this State: I allude to that part of the grant of public lands, made to Indiana to enable her to construct the Wabash and Erie canal, connecting the waters of the Wabash with those of Lake Erie, situated within the territory of the State of Ohio. That State, at the last session of her Legislature, pledged herself either to extend this work through her territory to the Lake, or suffer Indiana to do it. All doubt, as to the final completion of the work, being therefore removed, the public lands along the line attracted the immediate notice of speculators and of the public generally. From a knowledge of these facts I was induced, without delay, to call on the Commissioner of the General Land Office to withdraw from

[1] ALS. ISL: Indiana Division, Governors' Correspondence. Linton was one of the Fund Commissioners of the Wabash and Erie Canal.

[1] Indianapolis *Indiana Journal,* November 16, 1833.

sale the lands within the grant, as had been the practice of the Government on similar occasions. The application thus made, was rejected without consulting, as was supposed, either the Secretary of the Treasury, or the President; and an appeal was taken by a reference of the subject to Mr. Secretary McLane. About the period of the date of my letter to that gentleman, he was transferred to the State Department. His successor, Mr. Duane, upon his induction into office, took up the matter, and, by his letter of the 14th June, directed the commissioner to instruct the Land Officers in Ohio "to reserve both from *public sale* and *private entry,* the lands within five miles of that line" (the Maumee River.) Of his decision, and of these proceedings, the Governor of this State had the honor of being fully advised by the letter of Mr. Duane, of June last.[2]

After receiving the unequivocal letter, above referred to, from Mr. Duane, it was believed that we would be permitted to enjoy the grant from the General Government, without having it further shorn of its value; but the public journals have recently thrown upon us the President's proclamation of the 3d Sept., directing a sale, at the land offices at Bucyrus and Wapawkonetta, of the most valuable lands on the canal line: The reasons assigned by the Land Officers to our Canal Commissioners, for this step, are such as not to entitle them to a place in this communication, and cannot be such as induced the measure; I therefore respectfully request that you will lay this communication before the President, and, in behalf of the good people of Indiana, urge him at least to delay the sales of those lands that the Legislature of this State may have an opportunity of bringing the subject before the next Congress, whose session will commence on the same day with the commencement of the sales of these lands. It is, however, confidently believed that, when the President shall have given to this subject that consideration to which its importance, to Indiana at least, entitles it, he cannot but see the justice of suffering the decision of Mr. Duane in our favour, to be carried into effect.

[2] The correspondence which Noble refers to here, is printed above, 175-78, 182-85.

If Indiana is not to be permitted to avail herself of the advantage which would result to her by a selection of the lands in question immediately on the line of the canal, as contemplated by the grant, her means for the completion of the work will be greatly diminished. Already the General Government has disposed of nearly eighty thousand acres within the limits of the grant, and if Indiana should even be permitted hereafter to select other lands in lieu thereof, she must do it from the refuse lands of the U. S. of far less value. Besides this view of our loss, I might also advert to the heavy expense in damages for way, stone, timber, &c. chargeable to the work in consequence of these lands falling into the hands of individuals.

I will be glad to receive at as early a date as possible, such intelligence as you may have to give in relation to the fate of this application.

I am, with respect, your obedient humble servant,

N. Noble

Hon. R. B. Taney, Sec'ry of Treasury.

Secretary of the Treasury to Noble[1]

Treasury Department, 29th October, 1833.

Sir—I have the honour to acknowledge the receipt of your letter of the 10th instant, on the subject of the suspension from sale of the public lands bordering on the line of the proposed canal connecting the waters of the Wabash with those of Lake Erie; and with the approbation of the President, the Commissioner of the General Land Office has been directed to cause the lands referred to to be withheld from sale or entry according to the decision of my predecessor heretofore communicated to you.[2]

I have the honour to be, respectfully Sir, your obedient servant,

R. B. Taney,
Sec'ry of the Treasury.

His Excellency N. Noble, Governor of Indiana.

[1] Indianapolis *Indiana Journal,* November 16, 1833.

[2] The Wabash and Erie Canal lands in the Lima and Bucyrus

Secretary of State to the Superintendent of the State Prison[1]

Secretary of States Office

Indianapolis 19th Nov 1833.

Sir By a reference to the 6th Sec. of "the act for the regulation of the state prison" it will be perceived that it is the duty of the Superintendent to Keep a journal of the transactions of the prison &c and report the same semiannually to the Secy. of State. With this section of the Law, you have failed to comply. I have it therefore in charge from his Excy the Gov. to say to you "that should the Legislature again convene without a compliance, on your part, with this requisition of the Law, it will be his duty however unpleasant to place the matter before that body"

I am with respect and esteem your obd[t] servant

W[m] Sheets

The Superintendent of the State Prison[2]

Noble: Message to the General Assembly[1]

[December 3, 1833]

Gentlemen of the Senate and of the House of Representatives:—

The favourable circumstances under which we are this day assembled, as to the general happiness and prosperity of our citizens, are calculated to awaken sentiments of the most lively gratitude towards the Giver of all Good for a continuance of favour and regard towards our flourishing and prosperous country. Since our last annual meeting our state has continued to advance with accelerated rapidity in population and improvement; a

districts were not offered for sale until the fall of 1836. See proclamation in Governors' Correspondence, Ohio Historical Society, Columbus.

1 ALS. ISL: Archives Division, Secretary of State file.

2 James Keigwin, who had been appointed to the superintendency on June 13, 1831, for five years. *Executive Proceedings, 1816-1836,* p. 360. For reference to the report made by the superintendent see below, 200-1n.

1 *House Journal,* 1833-34, pp. 14-24.

favourable season has rewarded the labour of the agriculturist with abundant crops, and thereby diffused activity and prosperity among all branches of industry and enterprize. It is true during the past summer our state was again visited with the epidemic and in some places severely afflicted; but whilst we are called upon to sympathize with the sufferers and mourn over the loss of many valuable lives, we have still abundant reason to be thankful that its ravages did not become general.[2]

The receipts into the Treasury under our present revenue laws continue to increase in proportion to the expenditures. The sum brought into the Treasury from taxes during the present fiscal year amounts to $41,458 11. The ordinary expenditures during the same period amount to $41,172 92, leaving a balance of $285 19; which, added to amounts in the Treasury from other sources, leaves a total balance, on 30th Nov. 1833, of $17,667 79.[3]

Reports from the Auditor and Treasurer will in due time be laid before you, showing in detail, the condition of our financial concerns.

Although our present revenue system is efficient and abundantly supplies the public wants, yet it is apparent that its assessment is defective, unequal, and unnecessarily expensive. At my request the Auditor of Public Accounts has, with some labour, prepared from the files of his office a tabular statement, showing the quantity of first, second, and third rate lands returned by the listers from the several counties in the state in the years 1831, 1832, and 1833.[4] An examination of this statement which will be laid before you, will at once satisfy you of the imperfections of our present method of listing lands, and that in its practical results it is unequal and disproportionate among the several counties of the state. Notwithstanding the general directions as to fixing the rates of taxable lands, prescribed in the revenue laws, some counties return large proportions of first rate, and others, equal in fertility of soil and

[2] For discussion of the cholera in Indiana, see above, 128-29n.

[3] Compare these figures with those given in the treasurer's report, below, 212-15.

[4] This table is in the *Senate Journal,* 1833-34, pp. 60-62, and in Appendix A of the *House Journal,* 1833-34.

possessing other advantages in at least an equal degree, return little or none of that quality. It will also be seen from this statement, that the quality of lands returned by the listers is continually varying in its proportion, and the quantity of first rate land diminishing, notwithstanding the annual increase of the aggregate taxable lands in the state.

In compliance with the requisitions of a joint resolution of the last General Assembly, the Auditor has prepared from the tract books a statement of the actual quantity of lands taxable for the year 1833,[5] from which, you will perceive, that the listers returns fall short of the true quantity of lands taxable for the present year, upwards of 220,000 acres, which, at the medium rate of taxation, would have produced to the Treasury the sum of thirteen hundred dollars. While this method of listing and rating the taxable lands in the state continues, no certain estimate can ever be made of the revenue that will accrue from lands, as the quality and quantity are continually varying. These imperfections can only be remedied by an entire change in the method of making assessments.

The several counties in the state have been furnished with a schedule or tract book, showing the quantity of taxable lands in their respective limits, with the addition of such as will yearly become liable to taxation. These books, it is, believed, entirely supersede the necessity of yearly assessments by county or township listers. With the aid of these, the duplicate of the preceding year, and the map of the county, the clerks of the several counties in making out the yearly duplicate, can furnish a true and correct assessment of the lands with less trouble, and for a compensation that will, in the item of listing, save the counties an expense of five or six thousand dollars annually. If you approve the remedy suggested, it may be well to direct that a new listing and rating shall be made every five years, that the quality of the lands subject to taxation may be determined; and for the purpose of establishing something like a general standard by which the relative quality of lands throughout the state shall be ascertained,

[5] This table is in the *Senate Journal,* 1833-34, pp. 62-[65], and in Appendix A of the *House Journal,* 1833-34.

and the amount of revenue collected from the several counties rendered more proportionate to the real value of the taxable lands, this listing and rating every five years could be performed by commissioners appointed for the purpose. If the legislature should deem it expedient to adopt the ad valorem system of taxation, the same method of listing and valuing lands and other property could be pursued.[6]

Including that portion of the line authorised by the act of the last session of the General Assembly, thirty-two miles of the Wabash and Erie Canal have been placed under contract. The work during the past season has progressed with spirit and activity, and is executed in a manner that does credit to the commissioners, engineers and contractors. By the terms of the contract the work now let out will be completed next season. Reports of its progress, and of the situation of the fund, will be laid before you by the several boards of commissioners.[7]

[6] A bill was introduced in the House to amend the revenue act of 1831 according to the principles of the ad valorem system. It passed the House but was postponed until the following session by the Senate. *House Journal,* 1833-34, pp. 238, 479; *Senate Journal,* 1833-34, p. 351. A new tax law was passed at the next session of the Assembly. See below, 315n-16n.

[7] The report of the fund commissioners, William C. Linton, Jeremiah Sullivan, and Nicholas McCarty, is in the *House Journal,* 1833-34, pp. 128-32, and in the *Senate Journal,* 1833-34, pp. 90-93. The report showed total expenditures of $74,529.25½, and a balance of $102,288.57¾. Total receipts, $176,817.82½, were derived from the canal lands, the $100,000 borrowed from J. D. Beers & Co. as authorized by the General Assembly at the 1831-32 session, and interest.

The report of the canal commissioners, David Burr, Samuel Lewis, and John Scott, is in the *House Journal,* 1833-34, pp. 161-70. Appended to it (pp. 171-83) is a report of Jesse L. Williams, engineer, and samples of the agreements made between the canal commissioners and contractors, and notices to bidders. One of the interesting features of the report is the reference to labor procurement. An agent for the commissioners went to Buffalo and other towns in New York to "hire and when necessary, pay the passage and expenses of the requisite number of hands . . . under engagements to labor at $13 per month, and have the amount advanced for their passage money &c. deducted from the first they earned. A number of Irish and German emigrants were brought to the canal; and part of the money so expended was in this manner re-embursed. An agent was also sent . . . to visit a number of counties in the interior of this state, and on the Ohio river, to set

In accordance with a resolution of the last session of the legislature,[8] a communication was addressed to the Governor of Ohio[9] requesting him, by a special communication, to call the attention of the legislature of that state, then in session, to the subject of the extension of the Wabash and Erie canal, from our line through the territory of Ohio to the lake. In compliance with this request his excellency Governor Lucas promptly laid the subject before the legislature of Ohio, and in that spirit of courtesy and kindness due from one state to another, resolutions were adopted by that body, stipulating that if Ohio should ultimately decline to undertake the completion of that portion of the work, within her limits, before the time fixed by the act of Congress for the completion of the canal, she will, on just and equitable terms, enable this state to avail herself of the benefit of the lands granted, by authorizing her to sell them and invest the proceeds in the stock of a company to be incorporated by Ohio, and that she will give this state notice of her determination on or before the first of January, 1838. The legislature of that state has authorised and invited us to proceed by our agent, to select, survey, and set apart the lands lying within her territorial bounds. These resolutions are herewith laid before you.[10]

The doubts heretofore entertained of the extension of the canal beyond our eastern boundary, through the territory of Ohio to the lake, being removed by the adoption of these resolutions, the lands along the route attracted public notice, and entries of choice lots were rapidly making at the land offices in Ohio. Apprised of this, the duty of applying to the Commissioner of the General Land Office for a suspension of the sales within the grant to this state, until the alternate sections could be selected, was performed;

up advertisements, and prevail with as many laborers to come to the line as he could engage."

It was also reported by the commissioners that of the thirty-two miles of the canal under contract, five and a half miles were ready for the admission of water, and three and a half miles virtually completed.

[8] *Laws of Indiana,* 1832-33, p. 233.

[9] Not found.

[10] These resolutions were printed in the Indianapolis *Indiana Journal,* April 6, 1833.

but instructions to the land offices in Ohio for that purpose were not obtained until June, nor until the subject was brought directly to the notice of the Secretary of the Treasury.[11] In announcing his decision, and communicating the instructions given on the subject, the Secretary has expressed the wish that early provision may be made for the selection of the lands belonging to the state. I therefore request that this subject may receive such attention as will produce but little delay to the government in disposing of the public lands on the line; and, while assigning the duty of selecting the alternate sections to competent agents, it will remain for the legislature to indicate the way in which other lands shall be obtained of the general government in place of those sold and reserved within the grant, amounting in all to but little short of 80,000 acres.[12]

Of the thirty-two miles now under contract, a considerable portion is either finished or in such a state of forwardness that many of the contractors will be out of employ shortly after operations shall be commenced in the spring. They have on hand the necessary wagons, carts, teams, tools, and implements making a costly equipage. These articles enter largely into the aggregate cost of constructing a canal, and upon a light job constitute about twenty per cent. of the full amount. With these outfits and with their experience and skill, the present contractors can undertake new contracts upon better terms than new adventurers;

11 See above, 175-78, 182-85, 188-90, and report of commissioners in *Senate Journal,* 1833-34, p. 136, and *House Journal,* 1833-34, pp. 161-62.

12 The Assembly provided that the canal commissioners "adjust finally, and with the approbation of the commissioner of the General Land Office, Secretary of the Treasury, or President of the United States, to select, set apart, and designate all the lands accruing to the state under the provisions of the act of Congress of the 2d of March, 1827 . . . ." *Laws of Indiana,* 1833-34, p. 53. The Assembly also passed a joint resolution conveying to Ohio the canal lands within Ohio, that state having consented to construct the part of the canal lying within her boundaries. The resolution set down certain terms and conditions of the conveyance. *Laws of Indiana,* 1833-34, pp. 359-61. See below, Governor of Ohio to Noble, January 27, 1834; Noble to president pro tempore of the Senate, February 3, and note; Noble to the Governor of Ohio, February 4, 1834; and the Governor of Ohio to Noble, February 27, 1834.

but if not employed in the spring, the cost of one or two years exertions to induce them to settle, will be lost, and these men, with the mechanics engaged in the service, and hundreds of labourers, who have obtained wages on the line, will be compelled to seek employment elsewhere. These considerations, the cheapness of the price of the work put out, compared with the estimated cost, the great reduction in the price of provisions on the line, the rapid accession of population induced by its commencement, the assurance we have of a hearty co-operation on the part of Ohio, justice to those who have purchased canal lands, and the great advantages that must accrue to the state, satisfy me of the expediency of the measure, and I most earnestly recommend that the operations upon the line may be continued with increased energy. If in the view taken, your opinions accord with mine, it will be necessary to anticipate the value of the canal lands by a further sale of stock, which, upon an examination of the subject, you will find can be done to the amount of from three to four hundred thousand dollars, without making the state treasury liable for any part of the interest or principal.[13]

Looking to the completion of the canal, we are naturally induced to turn our attention to the improvement of the Wabash river.[14] I had the satisfaction of announcing to the last General Assembly,

[13] The commissioners and the Governor were in agreement as to the importance of being in a position to let new contracts in the spring. The commissioners pointed out that to render the part of the canal then under contract of much value, it would be necessary to complete the canal from the Maumee to the point on the Wabash below the Mississinewa where a feeder would be constructed—a total distance of sixty miles, requiring thirty-two or thirty-three miles to be placed under new contracts. Estimated cost of this was $350,000. The Assembly, following the recommendations of the commissioners, authorized the Canal Fund commissioners to contract for a loan of $400,000. The Assembly authorized the canal commissioners to put under contract all of the canal not yet under contract between the mouth of the Tippecanoe and the Maumee, at such times as they deemed it expedient, keeping the expense within the appropriations made by the Assembly. *House Journal,* 1833-34, pp. 165-67; *Laws of Indiana,* 1833-34, pp. 49-51.

[14] As first planned the Wabash and Erie Canal was to be built only as far as the mouth of the Tippecanoe River, and the Wabash River was to be improved to carry traffic down from this point to the Ohio.

that the State of Illinois had appropriated near twelve thousand dollars for the improvement of that river, if this state would apply an equal sum to the same object.[15] As the subject was not finally acted on during the session, permit me again to recommend it to your attention. The object is one of sufficient interest and importance, unconnected with the canal, to demand an appropriation, at least equal to that of Illinois, as a much larger portion of our state is interested in the navigation of the Wabash than Illinois. I hope the liberality of that state will be met by Indiana as it deserves.[16]

[15] See above, 169, 181-82.

[16] The House committee on canals and internal improvements reported at some length on the improvement of the Wabash. The distance from the head of steamboat navigation on the Wabash to the Ohio was about 450 miles. Of this, 150 miles were within the exclusive jurisdiction of Indiana; over the remainder, running from a point a few miles below old Fort Harrison, Illinois and Indiana had concurrent jurisdiction. The only formidable obstacles to navigation were the "nine mile ripple" below Vincennes and the rapids and ripples between there and Coffee Island. The committee further reported that it was estimated that $550,000 worth of produce, including corn, pork, flour, and whiskey, passed down the Wabash annually. Only during two to four months of the year was the water sufficiently high at the rapids to permit navigation and the whole export of the Wabash Valley was thrown on the market at one time, which naturally lowered the prices received by the farmers. Improvement of the river would remedy this and would also mean a lower price for the articles imported into the valley. The committee recommended that the state borrow $250,000 for internal improvements, $42,000 of which would be applied to improvement of the Wabash. *House Journal,* 1833-34, pp. 218-20.

Both the Senate and House considered bills authorizing loans for internal improvement and then rejected or postponed them. An act was passed appropriating $12,000 for the improvement of the Wabash in that section over which Illinois and Indiana had joint jurisdiction. The $12,000 was to come from $5,000 of the Canal Fund set aside for the Wabash River and $7,000 out of money accruing from the Three Per Cent Fund. The latter sum was to be derived from the allotments made from the fund to the various counties located along the Wabash. The Governor was to appoint a commissioner to join with the Illinois commissioner to direct the improvement. *Laws of Indiana,* 1833-34, pp. 346-50. Andrew Gardner was appointed commissioner on behalf of Indiana. See 241-42n, below.

The Assembly also passed a joint resolution instructing the Indiana senators and requesting the Indiana representatives in Congress to use their "unremitted exertions" to procure an appropriation for the im-

Another subject connected with the progress of our canal, as well as with the settlement and civil organization of our territory, and the peace and quiet of our citizens, is the extinguishment of the remaining Indian title to lands within our state. The hopes which were entertained and expressed during the last session, as to the speedy removal of this difficulty, have not been realized, and the efforts of the agents of the general government to effect a purchase have been unavailing.[17] The embarrassing question as to the course to be pursued, still remains for consideration with circumstances of far more pressing urgency, for a speedy determination.

The suggestions I had the honor of submitting to the last Legislature, on this subject, were misapprehended, probably from a want of precision in my expression. It was not my purpose to recommend, that our Indian population should be subjected to the entire civil jurisdiction of our laws, in the same manner with our own citizens, but so far only as would be necessary to prevent the frequent murders among themselves, to preserve the public

provement of the Wabash and White rivers. The accompanying memorial stated that the improved navigation of these rivers was a national concern. *Ibid.,* 376-77. A bill passed both houses of Congress making an appropriation for improving the Wabash, but was vetoed by President Jackson. See below, 270 and note.

[17] The Assembly passed a joint resolution and memorial to the President of the United States to empower the agent of the Wabash Indian agency, William Marshall, or some other individual, to make a private treaty with the Miami tribe extinguishing their title to land in Indiana. *Laws of Indiana,* 1833-34, pp. 374-75. On July 12, 1834, Lewis Cass, secretary of war, instructed Marshall to procure cessions of Miami and Potawatomi lands in Indiana. Indian Office Letter Books, 13:172-74, Mereness Calendar of Papers from the National Archives, Indiana Division, Indiana State Library. On October 23, 1834, Marshall, as commissioner of the United States, made a treaty with the Miami at the Forks of the Wabash, by which certain tracts of land were conveyed to the United States. This was rejected by the President. See below, 304n, 349-50n. Another treaty was made with that tribe in 1838 by which reserved lands were ceded to the United States. This latter treaty also provided for lands beyond the Mississippi to which the Miami might, when they disposed, emigrate. Finally, in 1840, the tribe ceded all their remaining lands in Indiana and agreed to move to the land assigned to them in the West. Kappler (ed.), *Laws and Treaties,* 2: 425-28, 519-24, 531-34.

peace of our own citizens, to protect the property of the surrounding settlements from constant depredations, and to prevent *their Territory* from being an asylum for the criminal violators of our laws.

By the several laws organizing the counties of Clinton, Cass and Grant, and forming the counties of Wabash, Huntington and Miami, and also defining the boundaries of Madison county, portions of the Indian lands were included in each, without any reservation or restriction in jurisdiction, in favor of either persons or territory. In this manner more than half of the Indian territory is included within and subjected to the ordinary jurisdiction of the country. This state of things cannot long continue without producing difficulty.[18]

The receipts during the year, on account of the sales of lots in the town of Indianapolis, amount to six thousand five hundred dollars, the particulars of which will be presented in the report of the agent.[19]

The contractor for the erection of the State House, has progressed with the work to the full expectations of the commissioners. Nearly a million and a half of brick have been laid in the walls, and the materials and workmanship are equal to the stipulations of the contract.[20]

From the report of the visitor to the State Prison it appears that the superintendent continues faithfully to discharge his duty. The police of the establishment is said to be good, and due regard is paid to the health, comfort, and morals of the inmates. The superintendent has, however, failed to report the productions de-

[18] The judiciary committees of both House and Senate to whom were referred this part of the message reported that they considered it inexpedient to legislate on this matter at this time. *House Journal,* 1833-34, p. 140; *Senate Journal,* 1833-34, pp. 227-28.

[19] The report of the Agent of State, Ebenezer Sharpe, is on p. 120 of the *House Journal,* 1833-34. It showed only thirteen lots in Indianapolis, valued at $2,450, as unsold.

[20] The Senate committee on public buildings reported that the erection of the walls of the State House was progressing as rapidly as could be expected and the materials and workmanship were in accordance with the requisitions of the contract. No additional legislation was required. *Senate Journal,* 1833-34, p. 202.

rived from the various mechanical operations of the prison, with the profits arising from the labour of the prisoners, as is required by law.[21]

Upon the Michigan road the improvements authorized by law have been prosecuted with vigor the past season, of which about forty frame bridges, from twenty to thirty miles of grading and a number of rough bridges for the ravines and drains on the line, constitute the major part. Of the lands donated to the road upwards of sixty-one thousand acres remain unsold. The report of the Commissioner may be expected in detail of his operations and exhibiting the state of the fund.[22]

Since the organization of our state government several instances have occurred where, from the great increase of population in certain districts, the inequality in representation had become so great that the Legislature deemed it an act of justice to give additional representation to such districts, before the arrival of the period for making a general apportionment of the members

[21] The House committee to whom the portion of the Governor's message relating to the State Prison was referred, reported no legislation was necessary at this time. *House Journal,* 1833-34, p. 308. The Senate committee to whom were referred reports from the superintendent of the prison, reported that the sixth section of the act regulating the prison, approved February 10, 1831, was not being strictly complied with. *Senate Journal,* 1833-34, p. 363. This section required the superintendent to keep an accounting of all transactions pertaining to the prison in a well-bound book and report on them to the Secretary of State on the first Monday in July and in December. *Revised Laws of Indiana,* 1831, p. 515. The report of the superintendent has not been found. See also Secretary of State to Superintendent of the State Prison, November 19, above.

[22] The report of the Commissioner of the Michigan Road, William Polke, is in the *Senate Journal,* 1833-34, pp. 111 ff., and in Appendix B of the *House Journal,* 1833-34. The commissioner reported that from Madison to Lake Michigan "all the Streams that were serious obstruction to travellers, are bridged, with the exception of White river, Wabash, Eel river, and Tippecanoe," the biggest streams on the route. He also reported the letting of such private and public contracts "as would, in his opinion, best forward the work," and that he hoped "to have the whole road made passable the present season. . . ." Public contracts issued since May, 1833, totaled $22,586.50; private contracts, $9,604.00. The Assembly passed an act appropriating $30,000 out of the Michigan Road Fund to be expended by the commissioner for the further improvement of the road. *Laws of Indiana,* 1833-34, pp. 199-200.

of the General Assembly. It is believed a greater necessity now exists for such a measure in the northern part of the state, than in either of the former instances. The counties of Delaware, Grant and Huntington, and a considerable portion of Wabash, with a large extent of attached territory, constitute one Representative district; and Allen, Lagrange, Elkhart, St. Joseph, La Porte and the territory attached, constitute another, and these, with Randolph, form one Senatorial district. These districts are equal to one sixth of the state, and include so large an extent of territory that it is impossible that the present Representatives can be acquainted with the general circumstances and wants of their constituents; and to these districts must shortly be annexed the counties that will be added to our jurisdiction from the extensive territory recently belonging to the Indians, the organization of which will share largely in the deliberations of the Legislature. Being well assured that the claims of that section of the state require it, and that the measure will save much time and expense to the state, allow me to advise an addition of three Representatives and one Senator.[23]

The defects in our probate system are daily becoming more manifest, and I feel impelled again to present the subject to the consideration of the Legislature. In my last communication to the General Assembly, two plans of amendment were suggested, either of which, it was believed, would in a great measure remedy the evils.[24] After bestowing some reflection on the subject, I will name for your consideration another method, by which, it is confidently believed, the desired results may be attained.

[23] By an act of the Assembly one senator and two representatives were added. A new senatorial district was created, composed of Randolph, Delaware, Grant, and the territory attached to these counties for judicial purposes. Wabash County was attached to the senatorial district composed of Allen, Huntington, Elkhart, La Grange, St. Joseph, and La Porte counties. Allen and Huntington counties were allowed one representative; Elkhart and La Grange counties one representative, and St. Joseph and La Porte counties one representative. *Laws of Indiana,* 1833-34, pp. 3-4. The counties of Allen, Elkhart, St. Joseph, La Porte, and La Grange had formerly been together in one representative district.

[24] See above, 149-51.

It is well known that an additional term of the Circuit Courts has, for some time, been loudly called for, and that considerations of economy alone have prevented the adoption of the measure. It is also known that the great expense attending the prosecution and defence of suits at law, is a cause of general complaint. This expense is a necessary consequence of the provisions of our practice act. Under our present system a case is docketed for the second or some subsequent day of the term, and although the writ was returnable on the first day, the defendant cannot be called upon for his defence, until the day for which it is docketed. The defendant may answer and go to trial immediately, or he may obtain time to plead. The plaintiff must be prepared for trial on the day assigned for his cause, and as the issue is not made, ignorant of the defence that will be set up, he is obliged to come prepared with witnesses to support and sustain his suit against every possible defence that can be made to the action. As it often requires two or three days to make up the pleadings in a cause, the parties are kept in attendance one day after another, and it is not uncommon that the parties to a suit will summon, ten, fifteen or twenty witnesses, who, after being detained some days in this way, are discharged without being called on to give testimony. This is the principal cause of the great expense of litigation so much complained of.

In view then of the whole matter relative to our Probate and Circuit Courts, I propose that the Probate business be transferred to the Circuit Courts and that there be three terms in each year. Let the Probate business be set for the two first days of the term, where the court sits six days, and the four first, where twelve days are required; make it the imperious duty of the President Judges to examine the reports of administrators and executors, to instruct them as to their duties, and to see that suitable forms are prepared for them by the clerks; let the civil and criminal causes be docketed for trial on the third and succeeding days of the term, authorizing the courts to require the appearance of the defendants, take defaults, hear motions, enter rules, and compel parties to make up the pleadings during the first and second or any other days of the term, without reference to the days on

which the causes are set for trial; and direct that the traverse jury be summoned to attend on the third day of the term. Under our present practice, the first days of the court are occupied in the trial of criminal causes requiring the almost constant attention of the Prosecuting Attorney; by which the grand jury is deprived of his services and not unfrequently detained several days longer than would be otherwise necessary to the full discharge of their duty. Have the grand jury empanelled on the first day as at present, that they may have the assistance of the Prosecutor, and upon this plan it is believed that in addition to the expenses of the petit jurors for two days, one half of the expenses of the grand juries may be saved to the counties. The per diem allowances for the ensuing year to the Probate Judges will amount to three thousand dollars, one thousand of which may be saved to the State Treasury, after fully compensating Circuit Judges for the additional labour required of them, should you approve and adopt these suggestions.[25]

As considerable portions of the state have attained to such a degree of improvement as to have large amounts of surplus produce to dispose of, the absolute necessity of some increased facilities for its transportation to market is generally acknowledged. The construction of good roads and the improvement of our navigable streams, can only be effected, to any beneficial extent, by state authority. The means of the several counties are inadequate to the purpose, and moreover that unanimity and concert which are requisite to success, would be wanting. The experience of other states has abundantly proved that in no way can their wealth

[25] The General Assembly at this session provided that the several circuit courts be "invested with concurrent jurisdiction in all suits at law or in equity, upon demands or causes of action in favor of or against heirs, executors, administrators, guardians and their securities and representatives, where the amount in controversy shall exceed the sum of fifty dollars." The Assembly also provided that when any guardian, executor or administrator had to sell real estate to get money to pay debts, provide for minors, or disabled persons "the chancery side of the circuits . . . [should] have concurrent jurisdiction with the probate courts." *Laws of Indiana,* 1833-34, p. 74. Acts were also passed changing the time for holding circuit courts in various districts. No further legislation relative to the circuits or practice therein was passed at this session.

and resources be so successfully augmented, or the people rendered more prosperous than by the expenditure of money in such internal improvements as will facilitate the trade of the country. I am aware that Indiana is not able as yet to compete with New York, Pennsylvania or Ohio in a splendid scheme of internal improvements, we nevertheless have it in our power to do something for our citizens. No state in the union possesses a greater quantity of good land than ours, and all that is wanting to ensure to the industry of our citizens the same reward that is enjoyed by the citizens of other states, is the means of conveyance to market at an expense that will not entirely consume their profits.

For the promotion of our agricultural interests and to improve our commerce, would it not be desirable for the state to obtain a loan of from one hundred, to one hundred and fifty thousand dollars for fifteen or twenty years at an interest of four and a half per cent. to be applied to the improvement of the Wabash and White rivers, and to the state roads from the Ohio river through Princeton to Lafayette, from Louisville to Vincennes, from the same place to Indianapolis, from this place to Crawfordsville and Lafayette and from the seat of government to Rushville, Brookville and Harrison, and upon such other principal roads as will interest all the counties, and most subserve the public convenience.[26] To meet the accruing interests and extinguish the debt without making the State Treasury liable for either, you may set apart the three per cent. fund amounting for the last years to twenty thousand dollars annually as a sinking fund to be applied in payment of the debt. If the sufficiency of

[26] The Lawrenceburg *Indiana Palladium* attacked the Governor for this portion of his message, attributing his remarks in relation to the Wabash and Erie Canal and improvement of the Wabash, and building of public roads in various parts of the state, to a desire to obtain votes. The Indianapolis *Indiana Journal* replied: "Well what course would the Palladium have the Governor pursue? . . . Whenever he shall take up and advocate, in his official capacity, the peculiar interests of one section of the country, and oppose proper and particular schemes for the advancement of the general welfare, we shall cease to consider him, as we now consider him, a valuable public officer. . . ." Issue of December 21, 1833. See Noble's defense of this part of his message, below, 286-87.

these means of redemption be thought questionable, you can reduce the sum proposed. It is believed however, they will be ample, and if from any cause the dividend of three per cent. should be greatly curtailed, our citizens at the end of the fifteen or twenty years would willingly pay twenty-five or even fifty cents each to pay the remaining balance. In addition to the benefits to be otherwise conferred, the improvements referred to would greatly aid in stage transportation of the mails within our state.[27]

Although it is admitted the legislature should not hastily engage in any plan of general state improvement, yet it would seem that both duty and interest demand preparatory measures for facilitating our exports and imports by improving our roads and navigable streams. To these the exigencies of the country will shortly require the addition of rail-ways. The vast importance of such undertakings as the latter should prevent our embarking prematurely, but while our sister states are acting with energy in these matters ought we to remain in ignorance of what we are capable of effecting? May not a board of internal improvement be constituted, or if that be thought inexpedient, may it not be made the duty of one or more of the state officers to collect and digest information on the nature of the obstructions in our streams, their susceptibility of improvement, and the cost of, and advantages to be derived from canals and rail-ways?[28] Were there merely a place where

[27] A bill "authorizing a loan for internal improvements, and pledging the three per cent fund for the payment thereof," was introduced in the Senate. After some debate further consideration was postponed until the next session of the legislature. *Senate Journal,* 1833-34, pp. 232, 352. The House committee on canals and internal improvements recommended that the state be authorized to borrow $250,000 for internal improvements, $42,000 of which to be earmarked for improvement of the Wabash. (See above, note 16.) The Three Per Cent Fund was to be set aside to redeem the loan. A bill authorizing such a loan was introduced and finally rejected. *House Journal,* 1833-34, pp. 218-24, 470-71.

[28] Apparently the Assembly did not consider the creation of such a board at this session. A number of acts were passed by the Assembly relating to internal improvements. An additional appropriation from the Michigan Road fund was mentioned above, as well as the appropriation for the improvement of the Wabash. (See notes 22 and 16, above.) Acts were passed incorporating the Evansville and Lafayette Rail Road Company, the Indianapolis and Lafayette Rail Road Company, the Levenworth and Bloomington Rail Road Company, the North West

a more perfect knowledge of these matters could be collected and diffused, and to which public attention could be directed, individual enterprise and occasional aid from the general government, would furnish valuable materials, and the expenses incurred would be small compared with the importance of the objects to be obtained.

This view is based in part upon the conviction, that the great benefits flowing from the construction of the rail-ways now in progress in the adjoining states of Ohio and Kentucky, will, within the elapse of a few years, induce our citizens to demand such modes of conveyance from the hands of their representatives, of which, the most prominent will commence at the Ohio river and passing through the interior, terminate at our port of entry on the lake. The contemplation of such a work should encourage us to ask a survey of the route by one of the United States' engineers; and as the helping hand of the general government has, on but two occasions, been extended to Indiana, perhaps, fruitless as our prayers have been, a portion of the public domain on the line may be set apart to aid in its construction.

The opinions I have repeatedly expressed relating to the necessity of a general system of education, one that will carry its influence into every circle in society, have undergone no other change than to fasten on my mind its necessity in the preservation of our political and civil institutions.

The want of competent persons to instruct in our township schools is a cause of complaint in many sections of the state; and it is to be regretted, that in employing transient persons from other states combining but little of qualifications or moral character, the profession is not in that repute that it should be. Teachers

Rail Road Company, and the New-Albany and Jeffersonville Rail Road Company. Also bills locating a number of state roads were passed, as well as bills incorporating companies to build bridges. The Assembly also passed joint resolutions relative to the Wabash and Erie Canal, surveying a route for a Whitewater Canal, seeking further Federal funds for the National Road through Indiana, Federal funds for a harbor at the mouth of Trail Creek on Lake Michigan, and Federal funds for the improvement of the Wabash, the Big St. Joseph, and White rivers, and Federal land grants for the construction of a Whitewater Canal. See *Laws of Indiana,* 1833-34, *passim.*

permanently interested in the institutions of the country, possessing a knowledge of the manners and customs of our extended population and mingling with it, would be more calculated to render essential service and be better received than those who come in search of employment. The want of good instructors is a difficulty existing elsewhere; and, in several states of the Union. To obviate it, seminaries are established solely to instruct and prepare teachers, and those institutions, it is said, derive much benefit from connecting with them the manual labour system.

The constitution of our state enjoins it as a duty upon the legislature, "as soon as circumstances will permit, to provide by law for a general system of education." The best of all tests is practical results; and without waiting for overwhelming circumstances to force us to measures, should there not be some exertion that would more efficiently contribute in carrying into effect that injunction of the constitution? Would it promote the object, and be good policy for the next legislature, to apply the interest of the fund arising from the Saline lands in establishing, on the manual labour or some other plan, one or more seminaries for the preparation of young men for township schools? Or would it not be policy, on the manual labour system, to connect a preparatory department of the kind with the Indiana college? In either case, that the benefits may be distributed equally to all parts of the state, young men for the institution should be apportioned on the scale of representation and selected from each county in such way as might be thought best. These enquiries are esteemed worthy of examination, but no other steps are advised than, if thought plausible, to consult the trustees and faculty of the college upon the propriety of the measure as regards the proposed connection with that institution.[29]

[29] The Senate passed and sent to the House a bill to provide for the instruction of young men with a view to prepare them to become teachers of common schools. Funds were to be derived from salt lick reserves. *Senate Journal,* 1833-34, pp. 270, 278, 285. The bill failed in the House. *House Journal,* 1833-34, pp. 405, 415, 443. The Governor's interest in the education of teachers may have been aroused by an organization called the Association for Common Schools which was active in Indiana at this time. This session of the legislature did

You, gentlemen, are possessed of such information as will enable you to judge of the achievements of our late school law, and if not found equal in its operations, or if in any other way offensive or objectionable, you can apply the remedy.[30]

As the northern part of our state is improving beyond the most sanguine expectations, and the trade, by way of the lake, is becoming consequently important, the want of good and secure harbors is much felt. The mouth of Trail creek, in this state, is believed to be easily converted into a good harbor, and will be our port of entry. This place, Chicago in Illinois, and the mouth of the St. Josephs in Michigan, are all considered eligible points on the southern extreme of the lake, in each of which, portions of the citizens of Indiana are interested. As such improvements are within the acknowledged powers of the general government it is recommended that our delegation in Congress may be requested to unite with that of Illinois and Michigan in procuring appropriations for the improvement of the harbours at these points.[31]

take a forward step in incorporating the Wabash Manual Labor College and Teacher's Seminary at Crawfordsville and the Indiana Teachers' Seminary of Jefferson County. *Laws of Indiana,* 1833-34, pp. 57-59, 334-35.

30 The Assembly amended the general school law, passed at the previous session (see above, 144n-45n), chiefly in regard to certification of teachers. It provided that three examiners should be appointed by the circuit court in each county to examine applicants for teachers' licenses. The examiners were to aid the trustees in the performance of their duties, but not in any way supplant them. Newman, "Common Schools in Indiana," in *Indiana Magazine of History,* 22:256; *Laws of Indiana,* 1833-34, pp. 327-29.

31 The General Assembly passed a joint resolution and memorial asking the Congressional delegations from Indiana, Illinois, and the territory of Michigan to unite in efforts for the improvement of Lake Michigan at Chicago and at the mouth of the St. Joseph in Michigan Territory, and that the senators and representatives from Indiana "use their exertions and influence, to procure such surveys and appropriations, as in their wisdom may be requisite for the speedy improvement of the harbor at the mouth of Trail creek, in the State of Indiana." *Laws of Indiana,* 1833-34, pp. 372-73.

The House also appointed a select committee to consider memorializing Congress, praying right of way through the public lands to construct a railroad from the town of Lafayette to the mouth of Trail Creek, eighty feet wide, with the privilege of taking for the use of said road any timber, stone, gravel, or other material from the public lands. *House Journal,* 1833-34, p. 73. No action was taken.

The propriety of establishing a state bank was submitted to the last General Assembly as a measure of relief then under examination by the public journals. Its expediency was a leading subject of inquiry during the session, and having been subsequently transferred to the people for further investigation, you no doubt come prepared to speak the public sentiment and to act upon it advisedly. If upon an interchange of views it is ascertained that the public voice is adverse to the measure, to extricate us from our embarrassments we must depend upon the forbearance of creditors and on the industry and economy which have characterized the past year. If on the other hand, you find the public wishes and interests demand a Bank, in establishing it, it will be for you to introduce the needful restrictions, checks, and guards to save it from political bias or influence, to prevent any abuse or excess on the part of the directors and others employed in the administration of its affairs, and to secure the public against the probability of ultimate loss; and in the latter event, so far as executive agency may be required, you may command a zealous co-operation.[32]

In the acceptance of office at the hands of our fellow citizens, in honorable and responsible departments of our government, we

[32] The editor of the Lawrenceburg *Indiana Palladium* enjoyed a hearty laugh over Noble's remarks about establishment of a state bank. "The proposition, says the Governor substantially, has been before the people, and if their representatives have ascertained from them whether they are for or against, he will be found zealously co-operating with them—that is, he will think as they think, and go as they go, be it *right* or *wrong!*" Quoted in Indianapolis *Indiana Democrat,* December 14, 1833.

The 1832-33 session of the legislature had spent considerable time considering bills establishing a state bank. There was a strong demand for one after Jackson's bank veto. "If the President," said the anti-Jackson Indianapolis *Indiana Journal* on February 23, 1833, "had signed the bill rechartering the bank of the United States, the clamor which pervades the western country for the establishment of state banks would probably not have been heard. There can be no doubt that the anticipated withdrawal of the circulating medium afforded by the bank of the United States, and the consequent necessity of a general and speedy collection of debts while there is a scarcity of circulating medium, must necessarily greatly reduce the price of property, and produce sacrifices, which, in ordinary times, with a healthy and abundant

have taken upon ourselves obligations faithfully to devote ourselves to their service; and, if their interests can be advanced in the adoption of any proposition of mine or such as may originate from the better judgment of the legislature, I will cheerfully unite for the purpose.[33]

circulating medium, and a general confidence existing between man and man, could have been avoided."

Two bills had been considered at the 1832-33 session. The House bill was strongly attacked in the Senate, particularly because it provided for a principal bank and branches which would have been in effect separate corporations. Such an arrangement the opponents declared was unconstitutional. Calvin Fletcher resigned from the Senate in protest of the bill. A bill establishing a bank was introduced in the Senate by John Ewing and others. This bill would have established a bank at Indianapolis and branches located in various parts of the state, all responsible to each other. The House bill is printed in the Indianapolis *Indiana Journal* of February 23, 1833, and the Senate bill in the *Journal* of February 16. The session drew to a close without agreement being reached and action on the bills was postponed until the next session.

The act approved by Governor Noble on January 28, 1834, chartering a state bank provided for no parent bank; there were simply ten branch banks distributed over the state. The head office was in Indianapolis. Section 9 of the act provided that the "State Bank and each and every branch thereof shall mutually be responsible for all the debts, notes, and engagements of each other." The bank was chartered for twenty-five years. *Laws of Indiana,* 1833-34, pp. 12-38. Officers of the bank, elected by the legislature at this session, were Samuel Merrill, president, Calvin Fletcher, Seton W. Norris, Robert Morrison, and Lucius H. Scott, directors. The bank opened for business in November, with branches at Indianapolis, Lawrenceburg, Richmond, Madison, New Albany, Evansville, Vincennes, Bedford, Terre Haute, and Lafayette. Branches were later established at Fort Wayne in 1835 (see below, 385), and South Bend in 1838.

Samuel Merrill, in a letter to the Indianapolis *Indiana Journal,* February 22, 1834, presented a succinct summary of the charter and explanation of certain of its features. Other discussions of the bank and its operations may be found in Buley, *The Old Northwest, 1815-1840,* 1:614-18; Esarey, *State Banking in Indiana,* 247 ff; William F. Harding, "The State Bank of Indiana," in *Journal of Political Economy,* 4 (1895-96): 1-36, 109-38; Golembe, "Origins of Deposit Insurance in the Middle West," in *Indiana Magazine of History,* 51(1955):113-20.

[33] A letter signed "Simeon Slygoer," a clock vendor, addressed to a fellow clock vendor, in the Indianapolis *Indiana Journal* (December 11, 1833), summed up Noble's message: "It speaks of a great many subjects, and the political shop-keepers at Indianapolis, who sell politics

Treasurer's Report[1]

TREASURY DEPARTMENT,

INDIANAPOLIS, Dec. 5, 1833.

The Treasurer, in obedience to the directions of the "Act concerning the Auditor of Public Accounts and Treasurer of State," submits the following Report of the Revenue and Expenditure of the State from Dec. 1, 1832, to Nov. 30, 1833.

Balance in Treasury reported last year		$ 31,536 88
Receipts during the fiscal year from revenue of		
	1823,	163 40
" " " "	1825,	675 90
" " " "	1831,	111 00
" " " "	1832,	32,408 79
" " " "	1833,	7,399 01
Rent paid by Superintendent State Prison,		700 00
From sale of Michigan Road Lands,		56,765 37
" lots, &c. at Indianapolis,		6,226 02
" College Lands,		3,010 10
" Mortgaged Lands,		122 00
Loans of College Funds paid,		10,685 38
" State House "		950 00

for a living . . . say that it will be a valuable article in the way of vote making next August, taken from horns to tail, that is, all in all, but there are some obscure points which would be the better of being somewhat explained, as for instance, what he means to recommend in his remarks relative to the Indians, and also what he thinks of the propriety of the establishment of a state bank . . . I think the people will be constrained to vote for him for the many good roads which he has made from town to town . . . but I caution you to look sharp, as he has only done the wind work of these roads, and I have no doubt if they are ever made, the first step to raise money, will be tax your horses, your cart, and worse than all—a tax upon clocks, to say nothing of the head and land taxes, which will also have to be raised."

The Lawrenceburg *Indiana Palladium,* on December 14, 1833, accused Noble of trying "to conciliate *all local interests*" in his message. The message could offend no one, it said. "We understand the message to mean . . . RE-ELECT ME GOVERNOR."

[1] *House Journal,* 1833-34, pp. 59-61; *Senate Journal,* 1833-34, pp. 47-49.

Interest of College Funds,	1,856 37
" State House "	720 17
Contingent allowance refunded,	55 00
Militia Fines,	90
Estates without heirs,	51 82
Rents of Salt Lick Reserves,	238 14
	$153,676 26

Expenditures during the same period.

Pay and mileage of members of the Legislature,	$ 14,881 33
" of Clerks, Doorkeepers, and Stationary	2,074 36
Printing for last and Stationary for present session,	5,931 02
Specific appropriations,	1,450 20
Contingent expenses,	794 62
Premiums for Wolf Scalps,	816 00
Pay of Probate Judges,	2,043 00
" Executive Officers,	2,450 00
" Judges,	8,030 57
" Prosecutors,	1,148 47
" Adjutant and Quarter Master General,	100 00
Expenses of State House,	12,074 73
" " Prison,	877 25
" " Library,	248 37
" Salt Springs,	25 00
" Presidential Election,	315 24
" Indiana College,	2,332 58
" Michigan Road,	2,407 65
" Seat of Government,	536 00
Loan of College Funds,	8,675 50
" State House "	17,396 00
Michigan Road scrip redeemed,	52,065 08
Canal Fund expended,	100 00
Treasury Notes destroyed and interest,	4 00
Balance in the Treasury,	16,899 29
	$153,676 26

The cash on hand is subject to the following deductions:	
Outstanding warrants,	$ 155 00
Salaries and other claims due but not audited,	2,887 50
College Fund in Treasury,	2,199 15
Canal Fund	48 56
Militia Fines to be distributed,	531 40
Claims of Probate Judges estimate,	1,000 00
In all,	$ 6,821 61
Which deducted from the cash on hand leaves	$ 10,077 68
The revenue of 1833, to be paid subsequently to the 30th Nov. will probably amount to	33,500 00
Making for the expenses of the ensuing year,	$ 43,577 68
Those expenses may be estimated as follows:	
Salaries of Judges and Prosecutors,	9,000 00
" Executive Officers,	2,600 00
Printing, Stationary, distributing Laws, &c.	6,000 00
Legislature,	17,000 00
Contingent and specific appropriations,	2,500 00
Probate Judges,	2,500 00
Wolf Scalps,	800 00
State Prison,	800 00
State Library, Adjutant General, &c.	250 00
	$ 41,450 00
Which will leave in Treasury, 1st Dec. 1834,	2,127 68

No considerable diminution in the increase of the revenue appears to have been occasioned by the law which appropriates the delinquent land tax with penalties and forfeitures to constitute a school fund. The returns, required by that law, to this office, have not been made except by the school commissioners of the following counties, viz: Randolph, Bartholomew, Boone, Hamilton, Morgan, Dearborn, Fayette, Jefferson, Lawrence, Johnson, Shelby, Hendricks, Switzerland, Orange, Warren, Putnam, Greene, Montgomery, Franklin, Parke, Rush, and Owen. This

subject may soon be sufficiently important for a penalty to be prescribed in case the school commissioners fail to do their duty. Some regulations will also be necessary for disposing of the lands forfeited to the school fund. To secure regularity in the title and mode of doing business, it is respectfully recommended that the school commissioners be required to obtain judgments in the courts for the amounts chargeable, that the lands forfeited be sold as on judgments in other cases, reserving a right to the former owner for the balance over all charges, whenever he should call for it.

Respectfully submitted.

S. MERRILL

Noble to the Speaker of the House, Transmitting Resolutions[1]

EXECUTIVE DEPARTMENT,

INDIANAPOLIS, 14th Dec. 1833.

THE HON. N. B. PALMER, Speaker of the House of Representatives:

The report of the visitor to the State Prison, called for by a resolution of the House on yesterday, I have the honor to transmit herewith.[2]

Since the close of the session of the last legislature, I have received sundry resolutions from other states expressing their views upon various subjects presented for the consideration of the states of the confederacy; which I also lay before you. Of these, those numbered from 1 to 9 are from Massachusetts, Maine, New-Jersey, Virginia, New-York, Maryland, Ohio, Alabama, and New-Hampshire, relating to the late proceedings in South Carolina. The one marked A. is from the legislature of Delaware, proposing a better organization of the militia under the auspices of the general government. That marked B. is from Missouri,

[1] *House Journal,* 1833-34, p. 102.

[2] Not found. See above, 200-1, for Noble's reference to this report in his message, and note.

in answer to the call made by the state of Georgia for a Convention. C. is from Massachusetts on the same subject. Those marked D. and E. from Pennsylvania and Massachusetts, propose a suppression of the sale of lottery tickets; and the one marked F. is from Connecticut relating to the tariff, internal improvement, and to the call for a Convention as made by the state of Georgia.

N. Noble

Noble to the President of the Senate, Transmitting a Resolution[1]

Executive Department,

Indianapolis, 28th Dec. 1833.

The President of the Senate:

Sir—I have the honour herewith to lay before the Senate, a joint resolution of the Legislature of New-York, proposing a more efficient organization of the Militia of the United States.

N. Noble

——— to Noble[1]

Columbus, (O.) Jan. 4, 1834

Dear Sir: Having spent the past few days here, and had much conversation with members of our Legislature on the subject of the Ohio division of the Wabash and Erie Canal, and believing that you feel a lively interest in this subject, I take the liberty of advising you that a gratifying change in feelings and opinions seems to be taking place with the members of the General Assembly in favor of the construction of this work by the state. In a word, sir, I entertain no doubt of its being undertaken by the state, either at the present or the ensuing session of our Legislature.

The standing committee on canals, in each branch of the Legislature, has had this subject under consideration, and I am advised

[1] *Senate Journal,* 1833-34, pp. 169-70.

[1] Indianapolis *Indiana Journal,* January 22, 1834.

that both committees are in favor of reporting a bill accepting the lands from Indiana, under the conditions of the grant to that state, and providing for their sale and the commencement of the work,—the work to progress, for the present, as fast as the avails of the land will allow.

From the views and feelings I find here now, I consider the question settled that Ohio will construct this division of the canal, as desired by your state, and within a reasonable time.[2] The Miami Canal north of Dayton will progress, I trust, upon the same principles, and will ultimately be united with the Wabash and Erie Canal at Defiance.

There is a strong interest now at work in this state, and in Pittsburgh and Philadelphia, for the *immediate* construction of the Ohio and Pennsylvania Canal, connecting the portage summit of the Ohio Canal with the Pennsylvania Canal at Pittsburgh. A convention of leading citizens was recently held at Warren, Ohio, on this subject, attended from both states. Delegates from that convention are now here, and I think the commencement of this work may be expected in one or at most two years.

You will at once perceive the interest the people of Indiana have in this canal. In the spring season shipments may be made through the *Wabash and Erie Canal,* through the *Ohio Canal* to the summit, and thence through the *Pennsylvania and Ohio* and the *Pennsylvania Canals* to Philadelphia, before Buffalo harbor is freed from ice.

It is an admitted fact that the upper end of Lake Erie to Cleaveland is free from ice in the spring of the year, an average of about *thirty* days before Buffalo harbor can be entered. At this season of the year, it is apparent that the upper Wabash country of your state can *send* and *receive* articles to and from *Philadelphia* while Buffalo harbor is yet closed.

This advantage is of but short duration, yet its value is sufficient to show the important connection between the canals of Indiana, Ohio, and Pennsylvania. If an enlightened spirit of enterprize and liberality presides in the counsels of these states,

[2] Ohio did agree to undertake this work. See below, 232-33, and note.

which we have every reason to expect, this channel of commerce, connecting the Wabash river with Philadelphia, as well as with New-York, may be in full operation in less than five years. How much this would add to the public wealth and political importance of Indiana, I need not suggest to you.

With great respect, I am your friend and ob't serv't.

Gov. Noble, Indianapolis

Senator William Hendricks to Noble[1]

Washington Jan. 11, 1834

Dear Sir I have recd yours of the 31st containing a memorial and joint resolution on the subject of the Louisville & St Louis mail route[2] The subject of the canal lands in Ohio has not escaped my notice There has been too much reluctance in relation to this matter. No legislation will be necessary if the Dept. authorize as it ought to do and I hope will selections in lieu of that sold

You will have seen ere this that so far we have a boisterous and heated session. Some disturbing questions and there are not found wanting master spirits in both houses to produce a high state of effervescence.

Yours with much respect

William Hendricks

Gov. Noble

[1] ALS. ISL: Indiana Division, Noble Papers.

[2] Printed in *Laws of Indiana,* 1833-34, p. 374. The route passed from Louisville to St. Louis via the Indiana towns of New Albany, Greenville, Paoli, Mount Pleasant, Washington, and Vincennes. The memorial represented the importance of the road as a mail route and as a thoroughfare of western immigration and deplored the lack of proper and permanent repairs, and requested an appropriation from Congress for its improvement.

John Ewing to Noble[1]

House Reps. Jany. 18 1834

Dear Sir, I am largely indebted I find three letters of the 10th & 31st ulto & 3d int.[2] all in my drawer to be acknowledged. You will pardon this seeming neglect, when I assure you, the individual business matters, heaped and crowded upon me from all quarters of the state, requires more time than I have at my disposal: and really, I find myself in this way oppressed— It will in the end be found that I am not remiss. I am satisfied you must establish a state Bank: the number of branches; the refusal to receive deposits from all quarters, upon *equal* terms; the agents to negociate the loan, &c (noted by me in some letters to the state a week ago) I cannot here expatiate upon; but should alter in the printed bill. The melancholy effects to result from a reliance upon state Bank paper, in time to come, to be experienced by the farmer, as well as the merchant, and indeed, all classes I can only hope will be arrested by some wholesome establishment to emit a general currency, free of all executive national control.— In the address of my old school fellow, Kennedy[3] (which I will on my return to my room, inclose with this [illeg.]) you will find many useful hints, emanating from a superior and well disciplined mind. I believe it is distinctly known, that no action of congress, nor the rejection of *Taney,* would cause a restoration of the Deposites: the *"Hero"* takes the "responsibility", and I am told avows his fixed purpose.[4] Now, be it emphatically expressed— I care little for the many opinions (various as his acts are con-

[1] ALS. ISL: Indiana Division, Noble Papers. Ewing was serving his first term in Congress. A native of Ireland, he immigrated to the United States with his parents who settled in Baltimore, Maryland. In 1813 Ewing moved to Vincennes, Indiana, where he engaged in commercial pursuits. He had previously served in the state Senate. *Biographical Directory of the American Congress,* 1142.

[2] Not found. [3] Not identified.

[4] Roger B. Taney, secretary of the treasury, who upon his appointment and on order of President Jackson, the "Hero," in September, 1833, ordered the removal of the government deposits from the Bank of the United States. This followed Jackson's veto of the bill rechartering the

tradictory) attributed to him; I do with many others, doubt the policy of restoring the deposites unless it were certain that the Bank would be rechartered—and there is no hope of that event under any modification at present—I care not for the wishes of the Bank; it is the people, the trade, the industry and enterprise of the country, and the obligation to save them if possible from absolute destruction, by which my views are regulated. The Bank has only two years charter unexpired; the State Banks are now involved; the eventual pressure, if the charter could not (as we know it cannot,) be revived, would in case of returning the deposites now, be certain ruin, according to the prevailing course of events— I would rather compensate the Bank for the unmerited and improper injury inflicted upon her, than injure the country a second time, by attempting to afford a short lived and futile remedy. I well know State Banks are of doubtful validity under the constitution of the United States I also know that their local credit cannot be far extended—that a uniform general currency is as essential to the durability of this union as the mutual and general rights secured by it but at this moment, when turmoil prevails, new parties forming, confusion triumphant in every Department, it is clear, that the U. S. Bank men of fixed adherence, on one side, and the visionary humbug state Bank speculators on the other, will unite to condemn any proposition calculated to benefit the people in any other way than their own several parties may adopt. The discussion still progresses in both houses, but it is for the readers, not the hearers:—the understanding is satisfied, and the action of Ohio, Penna, N. Jersey & (Virginia, to the contrary notwithstanding,) strengthens the ideal convictions of many, touching publick wishes. The "Richmond Enquirer" is now known to be a subservient echo of certain underlings (but in its own peculiar way) and its former character is utterly gone— this is as it should be, as far as knowledge is concerned—

Bank. W. J. Duane, whom Taney succeeded as secretary of the treasury, had refused to order the removal and had been relieved of his position. After the removal, the government deposited its funds in various private and state banks which came to be known as "pet banks."

In relation to the contemplated loan for internal improvement, its propriety and policy, can only be judged correctly by the particular objects to which it may be directed; and of this I am as yet uninformed. I should approve if it be applied to proper objects, or funded in any safe way to indemnify the State and advance such important works as the growing intelligence of citizens, heedless of local and sectional profit, may hereafter approve. The *White rivers, Eel river,* the all important WABASH, and many other such improvements, would if improved, enrich posterity ten doll's for one now expended—only let the expenditure be guarded; and do not allow the money to be distributed uselessly, as the 3 pr ct once was, upon useless roads—

The Land bill of *Mr. Clay,*[5] amended to reduce the price of refuse land ten years in market and upwards, in proper proportion, will I believe be the measure approved by this congress. I shall so amend, or attempt to amend the graduation bill, now before this house; and I will have the talent of many experienced members to follow the contemplated effort. You allude to the convention; it was unnecessary, I can never support a caucus man.[6] We have differed, so have I with Wallace. I have thought that neither of you toward me, exerted your rights with indulgence, or your power with magnanimity—but it may have been owing to my sanguine temperament, and at any rate, I can never support *Cully* against him, or *Reed* against you, when they come forward under such auspices. On this matter, I lost no time in writing to some of my firm friends; and in my humble opinion, you have

[5] The bill introduced by Clay after the President vetoed his bill of the previous session. See above, 148n-49n.

[6] Ewing refers to the Democratic Republican Convention which met in Indianapolis on December 9, 1833. The avowed purpose of the convention was said to be to secure the nomination of a Democratic Republican governor. The Indianapolis *Journal* of December 4 remarked that the Marion County delegates were taken from both parties. "It may appear strange that those who have heretofore been on the same side of general politics with Gov. Noble, should now be members of a Convention the avowed object of which, so far at least as they are concerned, is to put him down. . . ." James G. Read was nominated for governor and David V. Culley for lieutenant governor. See below, 225n.

nothing to fear. I have a personal regard for Judge Reed: but I could not before, nor I cannot now, support his pretensions to the gubernatorial chair.

If any interference should devolve upon me, in relation to the loan contemplated by the state, my congressional duties shall not be abandoned for a moment, nor the loan thereby neglected: I can I think, be of some material service without any clashing of duties —of this however, I may be an interested Judge; the Genl. Assembly may satisfactorily determine, if my name be presented.[7]

If the "veto doctrine" were abandoned in our state, appropriations could be procured for our rivers & important western road from Louisville, but I am met by the approval of the people of Inda of the veto men: thus our citizens heedlessly sustain a course that defeats their own wishes and all for what? and for whom? Inda. never supported the men out of her own limits through whose influence the canal grant and the Michigan road grant were mainly sanctioned and the convention office holders now, what have they done to merit distinction?—I think I shall have favorable suport for our cheif objects; but where is the majority of the house? time will tell—

In relation to our canal lands sold in Ohio, I only await a proper moment to let you hear from me through the proceedings of the house. The commiss[ione]r of the Land Office has reported his inability to answer the call made by Kinnard[8] (which I viewed as premature when made, as Hannegan[9] had previously placed out of my reach a contemplated request for the alternate sections, or others in lieu of them, and the trouble of the one I feared, would prejudice the other,) and I will demonstrate the report to be incorrect—the returns of sales are in his office—the survey of the entire line was one job, the grant of land was indivisible— the obligation of the state the same, and as he designated part so he must be able to designate all—The truth is the Treaty of

[7] Ewing may refer to the loan which the Canal Fund commissioners were authorized to contract for, or the loan for a general system of internal improvements contemplated but not authorized by the Assembly in the 1833-34 session. See above, 197n, 206n.

[8] George L. Kinnard, a representative in Congress from Indiana.

[9] Edward A. Hannegan, representative in Congress from Indiana.

Gardiner, by which the Indians were to receive the sum the lands would sell for, induced the course pursued, and *speculation* is at the bottom of the proceeding—to stave off Indiana with the small sum the choice tracts may sell for before the work be constructed![10] If I be wrong time will demonstrate, but my intention this day made known, to arraign the Commr. has lighted a fire in various quarters, some Honble senators friendly to Hayward[11] have (since I commenced this scrawl) been talking to me upon the matter urging for delay—the "inattention produced by family sickness" when it is said this Hayward is absent from his office owing to his intemperance, or engaged, as it is beleived, in writing for different newspapers—on Monday, the curtain if possible, shall be raised.

This morning I addressed Gov. Cass in relation to the pay due to the men under our worthy friend *Sigler*[12] when his answer be recd. I will transmit it—or give you the result.—Now, what shall I do with this scrawl—I have been talking, and with some repressed feeling of indignation (almost disposed to burst) against old Burgess[13] for his emphatic snarling against extending the pension roll so as to embrace the brave pioneers of the west, whose valor secured the peace of sea board settlements, and obtained a relinquishment of the western posts long held by the british after peace—MEN now almost extinct, but every way worthy of gratitude and reward. He has taken his seat, and shall in due time receive as sound a drubbing as he is in the habit of inflicting.—But I do not know if I will send this, it is unfit probably, if not unintelligible; and I have no time to copy or condense: my thoughts must fly off, or I can make no advance in writing—only let it reach your own eye, if I inclose it.—

[10] Reference is to the treaty concluded by James B. Gardiner, approved January 19, 1832, whereby a band of Wyandot Indians ceded their 16,000-acre reservation in Crawford County, Ohio, to the United States. By the treaty this land was to be put into market and sold as other public lands and the band of Indians was to receive $1.25 for every acre sold or for sale. Kappler (ed.), *Laws and Treaties,* 2:340.

[11] Elijah Hayward, commissioner of the General Land Office.

[12] Col. Daniel Sigler, of the corps of rangers called out at the time of the Black Hawk War.

[13] Tristam Burges, representative from Rhode Island.

One important matter I have not glanced at, and as another speech is commenced by the drawling Polke[14] (a very sensible man) upon a matter which is only intended to circumscribe the legitimate power of the senate, I will "go ahead"—It is here believed that Col Johnson[15] is the strongest man for President in prospective, in the eye of Indiana, but that he is humbugged—that Van B—— has no intention to prompt the selection of the Col. for the Vice Presidency, but to gain strength of his influence for the ticket (*Van B & Wilkins*)[16] to be nominated and adopted by the national convention. If a stand had been taken by the late convention in Inda. for *Johnson*, or for McLean,[17] it would have operated to destroy the manoeuvres by which our state will now be beleaguered.—The *editor* of the "Democrat"—has been in part exposed by Gardiner:[18] but other men are engaged, and the patronage of this Govt. is mainly directed in all quarters, to the same object. One matter should be exposed. The "Democrat" in some editorial article against any nomination by the convention, displeased MR. BOON, Gen. Carr and others; and as public printers were about to be appointed, a pointed representation of the unworthiness of that press was immediately prepared and signed, and sent to the secy of state. But, *after consultation,* it was

[14] James K. Polk, who was then serving as representative from Tennessee.

[15] Col. Richard M. Johnson.

[16] William Wilkins, of Pennsylvania.

[17] John McLean, of Ohio.

[18] In a letter printed in the Indianapolis *Indiana Journal,* December 21, 1833, Gardiner disclosed that Alexander F. Morrison had disposed of his interest in the *Democrat* to Lieut. John F. Lane, son of Amos Lane. Lieut. Lane and Gardiner had had an altercation in 1832 while they were associated in the removal of the Ohio Indians and were still enemies.

Morrison's name was dropped from the *Democrat* with the issue of November 30; that issue carried the announcement that he had disposed of his interest in the paper and that henceforth it would be conducted by N. Bolton & Company. Lieutenant Lane's name was not mentioned and since he was in the Army, his interest must have been largely financial. The Indianapolis *Indiana Journal* of February 1, 1834, voiced the opinion that Mr. Van Antwerp, formerly of Albany, New York, and an agent of Jackson's "Kitchen Cabinet" was the anonymous editor of the *Democrat* during this period.

thought prudent to withdraw it, which as my name was attached, I objected to—and I have without success as yet, asked Mr. Secy. McLean for a copy, which I shall have in due time, to shew how management can stifle feeling and judgment. The "Democrat" is still to be continued the favorite; and no doubt, my course in not allowing the document to be suppressed or withdrawn, is to bring upon me the ire of base [MS illeg.]. The people should be thoroughly advised of the leading object of the new editor of that print, if I be not mistaken—and Jackson men, *not office holders,* would be aware of its publications.

I must now cease—let this satisfy until I can write a decent letter at my leisure: and tell Gov. Wallace I will give him a scrawl as soon as I can in answer to his letter recd. yesterday.

Respy Yours &c

JNO. EWING

GOV. N. NOBLE Indianapolis

Noble to James G. Read[1]

INDIANAPOLIS 20 Jany 1834.

DEAR SIR, I have learned by the publication of your letter to the committee, in the Democrat for Wednesday last that,[2] you are again to be my competitor for the office to which it was fortune to be elevated by my fellow citizens of Indiana in August 1831, and I have concluded to write you and propose that in making our addresses to the people of the several counties we shall accompany each other. This course may induce the people to come out and hear us but if we visit the counties alone they will become

[1] ADftS. ISL: Indiana Division, Noble Papers.

[2] In this letter (see Indianapolis *Indiana Democrat*, January 15, 1834), Read accepted the nomination for the office of governor tendered him by the Democratic Republican Convention which met in Indianapolis on December 9, 1833. Read said that he accepted because he did not feel at liberty to disregard the call made upon him by his fellow citizens. Others receiving votes for the office of governor in the convention were Jacob B. Lowe, James P. Drake, Jonathan McCarty, Gamaliel Taylor, and John W. Davis.

tired of repeated calls: indeed they cannot with a proper regard to their interests abandon their duties on the farm at such a busy season of the year to give us audience separately. And of this we had evidence upon another occasion. If you accept this proposition I will be governed altogether by your convenience, and it will be for you to name the time and place we shall break ground for the canvass but in doing so you will reccollect that to get to all the counties we must have a commencement immediately. To myself I only reserve the right of setting out early enough to enable me to reach each county before the election and if any thing should prevent you from an early start I will make no appointment that will prevent me from joining you at such time & place you may fix upon: with your reply I will be glad to receive your plan for the beginning and prosecution of the campaign.

I am Dr Sir truly your obt svt

N. Noble

James G. Read Esq Recr of Public Moneys Jeffersonville

[Postscript:] If you prefer such a course, I am willing that we shall each remain at home giving our attention to our public or private duties leaving to the people who know us both to say who

Noble to the President of the Senate, Transmitting Resolutions[1]

Executive Department

Indianapolis, Jan. 24, 1834.

Sir: I herewith lay before the Senate sundry resolutions of the Legislature of the state of Georgia, disapproving of the reduction of the price and distribution of the products of the public lands, as proposed by the state of Tennessee.

N. Noble

"Hon. David Wallace, *Pres't of the Senate.*"

[1] *Senate Journal,* 1833-34, p. 283.

Governor Robert Lucas to Noble[1]

EXECUTIVE OFFICE OHIO, COLUMBUS, January 27th 1834

DEAR SIR, I take pleasure in enclosing to you, a Certified Copy, of a Preamble and Resolutions, this day, Passed by the General Assembly of the State of Ohio, on the Subject, of the Lands granted by Congress, to and in the Construction of the Wabash and Erie Canal, with a reque[s]t, that you would lay the same, before the General Assembly, of the State, over which you Preside—[2]

I trust these Resolutions will prove satisfactory, to the State of Indiana, and that by cherishing mutual good will, and reciprocal interchanges, of friendly affairs [?] the two states may be enabled, in a short time, to complete a splendid work of internal improvmet, inferior in importance, to none in the western Country—

I have the Honor to be Very respectfully yr Obt Srvt

ROBERT LUCAS

HIS EXCELLENCY, The Governor of the State of Indiana

The Secretary of War to Noble[1]

WAR DEPARTMENT January 29, 1834

SIR: Your letter of the 15th inst. enclosing a memorial from the Legislature of the state of Indiana to the President, concerning the extinguishment of the Miami title to lands in the state, has been referred to this Department.[2]

In answer I beg to inform you that the subject shall receive the most respectful consideration. I appreciate its importance to the State, and the suggestions of the Legislature shall be kept in mind when the matter is definitely acted on.

Very respectfully, Your most obedient servant,

LEWIS CASS

HIS EXCELLENCY, N. NOBLE, Governor of Indiana, Indianapolis Ind.

1 ALS. ISL: Indiana Division, Noble Papers.

2 See below, 232n, for the preamble of the resolution.

1 Lawrenceburg *Indiana Palladium,* March 8, 1834.

2 See above, 199n.

Noble to the President of the Senate, Veto Message[1]

EXECUTIVE DEPARTMENT,

INDIANAPOLIS, 30th Jan. 1834.

TO THE HON. DAVID WALLACE, Pres't of the Senate.

The act to incorporate the Vincennes Steam Paper Manufacturing company, originating in the Senate, is herewith returned.[2]

The 8th section of this act makes it the duty of the Secretary of the corporation, in usual business hours, to exhibit the books of the company to stockholders and others, if called for, and a refusal on his part is made a criminal offence, punishable by fine to be imposed by the board of directors to the extent of one hundred dollars. The constitution declares that "the judiciary powers of the state, both as to matters of law and equity, shall be vested in one supreme court, in circuit courts, and such other inferior courts, as the General Assembly may from time to time direct and establish." The 5th section of the 1st article of the same instrument says, that in all criminal cases, "the right of trial by jury shall remain inviolate," and the 12th section provides that "no person shall be put to answer any criminal charge but by presentment, indictment or impeachment," in all of which cases he is secured in the right to be heard by himself and counsel, to demand a copy of the nature and cause of the accusation, and to a speedy and impartial trial by a jury of the proper county. This section having therefore created a new offence, with a heavy penal sanction, clothing the board of directors with summary judicial powers, substituting their discretion for that of a jury, and dispensing with other forms of our constitution and laws, the act

[1] *Senate Journal,* 1833-34, p. 348.

[2] Noble vetoed three bills of the 1833-34 Assembly on constitutional grounds. Besides the bill incorporating the Vincennes Steam Paper Manufacturing Company, subject of this communication, he vetoed a bill incorporating the Levenworth Manufacturing Company (see below, 230-31), and a bill incorporating the Charlestown Manufacturing Company (see below, 233). A second bill incorporating the Vincennes Steam Paper Manufacturing Company was passed and approved. *Laws of Indiana,* 1833-34, pp. 91-94.

is returned, with a request that the objectionable provision may be removed, if the opinion of the senate shall accord with mine.

N. Noble

Thomas R. Stanford, *et al.*, to Noble[1]

[January 30, 1834]

To His Excellency Noah Noble, Governor &c—

The undersigned members of the legislature of the State of Indiana take pleasure in recommending to your favourable consideration, the Hon. Nathan B. Palmer, as an individual possessing the most ample qualifications to discharge the duties of Treasurer of State and respectfully present his name to your Excellency for said office, should a vacancy occur during the recess of the session of the General Assembly—Mr Palmer is eminently qualified for the station proposed, by his integrity, his talents and his business habits and will sustain the high reputation for probity and correctness so justly enjoyed by the present Treasurer—The undersigned would further respectfully remark, that the appointment of Mr Palmer, in the contingency of a vacancy, would render general satisfaction and at the same time go far to secure confidence in our financial concerns, both within and beyond the borders of the State of Indiana—[2]

Indianapolis—Jany. 30th. 1834

Tho. R. Stanford
[and 90 others]

[1] DS. ISL: Archives Division, Secretary of State file.

[2] Samuel Merrill resigned as state treasurer upon his election as president of the State Bank by the General Assembly. See above, 211n. Palmer was appointed treasurer on February 13, 1834, by the Governor to fill out the vacancy and was elected to the position by the Assembly at the following session. Indiana *House Journal,* 1834-35, p. 50. Palmer had been speaker of the House during the 1833-34 session.

The Indianapolis *Indiana Journal* commented that apparently the appointment gave general satisfaction. "Although for several years past we have differed widely from him [Palmer] in relation to national politics, we have considered him a useful and an efficient legislator. . . . It is worthy of remark," the *Journal* continued, "that while the

Noble to the Speaker of the House, Veto Message[1]

EXECUTIVE DEPARTMENT,

INDIANPOLIS, Jan. 31st, 1834

THE HON. N. B. PALMER,

Speaker of the House of Representatives,

SIR: The act to incorporate the "Levenworth manufacturing company," which originated in that branch of the Legislature over which you preside, I return herewith.

The 8th section of this act enjoins it as a duty of the secretary of the corporation, whenever required by the stockholders and others, in the usual business hours, to display the books of the company for examination, and a refusal on his part, is made a criminal offence, punishable by fine to be imposed in the discretion of the board of directors, to the extent of one hundred dollars.

The constitution declares that "the judiciary powers of the state, both as to matters of law and equity, shall be vested in one supreme court, in circuit courts, and such other inferior courts as the General Assembly may from time to time direct and establish." The 5th section of the 1st article of the same instrument declares that in all criminal cases, "the right of trial by jury shall remain inviolate," and the 12th section provides that "no person shall be put to answer any criminal charge, but by presentment, indictment or impeachment," in all of which cases he is secured in the right to be heard by himself and counsel, to demand a copy of the nature and cause of the accusation, and to a speedy and impartial trial by a jury of the proper county.

This section having, therefore, created a new offence, with a heavy penal sanction, clothing the board of directors with sum-

designing portion of the dominant party, including office-holders and office-hunters, are endeavoring to induce the people to turn Governor Noble out of office, *on the ground alone that he did not vote right at the last Presidential election,* he is going on in the quiet and faithful discharge of his duties, unaffected by party feeling. As one proof of this, we refer the reader to the above appointment of a leading and influential supporter of General Jackson to one of the most responsible offices in the State." Issue of February 22, 1834.

[1] *House Journal,* 1833-34, pp. 475-76.

mary judicial powers, unsafe to the citizen, substituting the discretion of the board for that of a jury, and dispensing with other forms of constitution and laws, the act is returned with a request that the objectional provision may be removed, if the opinion of the House of Representatives should accord with mine.[2]

N. Noble

John W. Payne and George P. R. Wilson to Noble[1]

Indianapolis Feby. 1st 1834

His Excy. Noah Noble

Sir We have learned from a source which we cannot doubt, that the Sheriff of Harrison County was murdered some time about 20th ult. therefore rendering an appointment to fill the vacancy, occasioned by his death necessary—[2] And being personally acquainted with Mr. Frederick Leslie feel assured that his appointment to fill the vacancy would meet the general approbation of the citizens of Harrison Co.

His appointment to that office will confer a favor on Yr. Obt. Servts.

Jno: W. Payne
Geo: P R Wilson

[Endorsed:] Comn. issd. 3d Feby 1834 Mr. Leslie declined accepting and Mr Pennington was appd.

[Noble's Endorsement:] App'd as of the 3d Inst upon Mr Leslie filing his resignation

[2] A second bill to incorporate the Levenworth Manufacturing Company was introduced immediately, and was passed and approved. *Laws of Indiana,* 1833-34, pp. 98-101.

[1] LS. ISL: Archives Division, Secretary of State file.

[2] Sheriff William Gresham died of wounds inflicted by Levi Sipes, whom Gresham was attempting to arrest. *Executive Proceedings, 1816-1836,* p. 458n.

Noble to the President pro tem. of the Senate, Transmitting a Resolution[1]

EXECUTIVE DEPARTMENT,

INDIANAPOLIS, Monday-morning, Feb. 3, 1834

THE HON. AMZ. MORGAN,

Pres't Protempore of the Senate,

SIR: since the adjournment of the Senate on Saturday, I received from the Governor of Ohio an official copy of a joint resolution of the Legislature of that state, proposing to accept the lands granted us for the Ohio division of the Wabash and Erie Canal, and to complete that part of the line within her jurisdiction.[2] The Legislature having anticipated this resolution in the legislation of last week,[3] it is laid before the Senate that it may find

[1] *Senate Journal,* 1833-34, p. 382.

[2] The resolution is printed in the *Senate Journal,* 1833-34, p. 383. The preamble reads: "Whereas, the Congress of the United States has granted to the State of Indiana a quantity of land lying in the State of Ohio, 'to aid said state in opening a canal to unite at navigable points, the waters of the Wabash river with those of Lake Erie,' and, whereas the state of Indiana is authorized to convey and relinquish to the state of Ohio, upon such terms as may be agreed upon by said States, all rights and interest granted to the State of Indiana to any land within the limits of the State of Ohio, granted to the State of Indiana for the purpose aforesaid; and whereas, it is understood by this General Assembly that the State of Indiana is desirous of conveying and relinquishing said land to the State of Ohio, upon condition that the State of Ohio will construct that part of the said Wabash and Erie Canal which lies within her limits, within the time limited by the law of the United States for constructing the same, and in all other respects agreeably to the provisions of said law of Congress, and that no higher rates of toll shall be charged to any person using said canal than may be charged to citizens of Ohio for using the same. . . ."

[3] The joint resolution of the Indiana legislature relative to this is printed in *Laws of Indiana,* 1833-34, pp. 359-61. Noble may have conveyed to members of the legislature the contents of the letter to him from a gentleman of Ohio, printed above, 216-18. By the joint resolution Indiana transferred the canal lands in Ohio to that state on condition that Ohio would construct and keep in repair a canal from the intersection of the Wabash and Erie Canal at the state line to Lake Erie at the towns of Maumee and Perrysburgh. Specifications for the construction were set down, and Ohio was to charge no higher tolls to citizens of Indiana or other persons than those charged the citizens of Ohio

a place in the journals, and then be preserved as may be deemed best; but it is believed nothing more will be necessary at the present session.

Respectfully,

N. Noble

Noble to the Speaker of the House, Veto Message[1]

Executive Department,

Indianapolis, Monday Morning, Feb. 3, 1834.

The Hon. N. B. Palmer,

Speaker of the House of Representatives:

Sir—I return to your branch of the Legislature in which it originated, "an act to incorporate the Charlestown manufacturing company." This act contains in its 8th section a provision upon which I based my objections to the charter of the Levenworth manufacturing company, and without repeating the objections then offered, I respectfully return the act named for such disposition as the House may further direct.[2]

N. Noble

Noble to the Governor of Ohio[1]

Executive Department

Indianapolis Inda. 4 Febry 1834

Sir, It affords me pleasure to acknowledge the receipt of your communication covering the resolutions of your state accepting the land granted the Ohio division of our Wabash and Erie Canal

or those charged on other canals in Ohio. Ohio was to complete the canal by March 2, 1847.

[1] *House Journal,* 1833-34, p. 528.

[2] This communication was received by the House on the last day of the session, and it and the disapproved act were ordered to lie on the table.

[1] ADftS. ISL: Indiana Division, Noble Papers.

and proposing to complete that part of this important work in consideration for these lands. Those resolutions were received and laid before the legislature in the midst of its closing scenes yesterday morning.[2]

Advised of your deliberations on that subject the legislature, anticipating the result, adopt[ed] the resolutions I have the honor now to enclose you, relating to the cession of the lands. As your resolutions however do not embrace the subject of the tolls to be reciprocally charged, so fully as those adopted on our part, allow me to ask your attention to that portion of the subject matter and to suggest the propriety of a more complete adjustment on that ground on the part of your legislature.[3]

Permit me, sir, in behalf of the legislature and the good people of Indiana to acknowledge our sense of obligation to you for the prompt and enlightened course pursued towards us [and] to your legislature for its generous and early removal of the only remaining embarrassment to our favorite work. Our interests are not conflicting but mutual and in all questions involving them or the Union of the States, I trust Ohio and Indiana will be found standing, side by side, in their defence.

With great respect, I am Sir, Your Obliged & Obt Ftfl Svt

N. Noble

His Excy Gov Lucas

[Endorsed:] Letter from the Govr of Indiana

John Cowgill to Noble[1]

Greencastle, Feby. 14th 1834

Dear Sir Yours of Jany. 10th was duly received,[2] and informed me that certain impressions under which my mind labored at the time I left the seat of Govt. for this place in relation to the election of prosecutor for the 7th circuit[3] were incorrect. The

2 See above, 232-33.

3 See above, 232n-33n.

1 ALS. ISL: Indiana Division, Noble Papers

2 No copy of this has been found.

3 On April 9, 1833, Erasmus H. McJunkin had been appointed prose-

result of that election convinced me beyond the entertainment of a doubt that some extraordinary influence had been brought to bear. That some of those (and not a few) who had told me they would give me their support declined doing so I am assured—and that they must have acted from some sufficient cause I am equally confident, but that it was attributable to your interferrence I do not believe, and since the reception of your favor above refered to, my mind has cheerfully awarded you an entire exculpation from the entertainment of a single suspicion. Should an opportunity ever occur I will be pleased to afford you the reasons or circumstances on which I predicated the opinion I entertained, that the result of the prosecutor's election for this circuit was, in some degree, attributable to your influence. I would afford you the circumstances on this sheet, but fear I should trespass to far upon your time. But I think you will, when you become acquainted with them, be satisfied that I did not act without appearances sufficient to justify my conduct.

Our senator has told me since his return, that information was received at Indianapolis, before he left, that McJunkin, from bad health, would not be able to attend to the duties of his office, and that a resignation was daily expected from him. If this should be the fact, and it became your duty to make a pro tem appointment you will please consider me an applicant for the place, and should you be induced to give a favorable consideration to my pretentions to that office, you will confer obligations that shall be duly appreciated.[4]

You will please accept assurances of my highest consideration

JOHN COWGILL

GOVR. N. NOBLE

cuting attorney of the Seventh Circuit, vice John H. Dowden, deceased. McJunkin was elected to the office by the Assembly at their next session. *Executive Proceedings, 1816-1836,* p. 308. The vote at the election was McJunkin, 64 votes; Craven P. Hester, 28; John Cowgill, 9. *House Journal,* 1833-34, p. 42.

[4] McJunkin died on April 11, 1834, and Noble appointed Cowgill on August 14. When the Assembly met the following December, David McDonald was elected to the office. The vote was 57 for McDonald and 49 for Cowgill. *Executive Proceedings, 1816-1836,* p. 308; *House Journal,* 1834-35, p. 42.

Noble to the Governor of Illinois[1]

EXECUTIVE DEPARTMENT

INDIANAPOLIS, INDA., 18 Feby, 1834

HIS EXCY. GOV. REYNOLDS

SIR—In discharge of a duty enjoined by the Legislature of this State, I now transmit you an official copy of an act passed at our recent Session, among the provisions of which, you will find one applying twelve thousand dollars to the improvement of that part of the Wabash, over which, we have concurrent jurisdiction, which sum is to meet an equal appropriation heretofore made on the part of Illinois.[2]

As these monies are to be expended under the joint superintendance of the agents to be appointed on the part of our respective States the requisitions made upon me will soon be complied with as regards the appt. of Comr. &c. that an early commencement may be made and I shall be gratified to receive a communication from you announcing the appt. of a Comr. on your part and naming the time and place of meeting, with any suggestion you have to make on the subject.[3]

With great esteem I am Your obt. svt.

N. NOBLE

Paris C. Dunning to Noble[1]

BLOOMINGTON February 21st 1834

DEAR SIR At the request of my friend Judge Seal of this county I address you a few lines in his behalf as an applicant for the office of visitor to the state Prison he is amply qualified to discharge all the duties pertaining to that office & his appointment will give general satisfaction to the citizens of Monroe

1 Evarts B. Greene and Clarence W. Alvord (eds.), *The Governors' Letter-Books 1818-1834 (Illinois Historical Collections,* vol. 4, Springfield, 1909), 253.

2 See above, 198n.

3 See Governor Reynolds' reply below, 241-42.

1 ALS. ISL: Indiana Division, Noble Papers.

county he is inclined to think he has some claim upon you for the appointment on account of his recieving a partial promise of it when at Indianapolis in December last his object now is to get it as soon as convenient (if at all) in order that he may make one visit now & another in the fall dividing the time as nearly as convenient at equal intervals of time in the year if your mind is made up upon the subject an early answer will be very acceptable.[2]

Confidential

The above is in behalf of a friend I now add a few more lines giving you a little of our news Politics are not very high here at this time the general impression here is that you will beat Read & I am inclined to think you will do it in this our own *Jackson County* so far as regards myself I cannot I think support him if Genl. Lowe[3] had recieved the nomination I would have went for him heart in hand but the manner in which Read's nomination was procured satisfies me of the impropriety of Conventions & that in such bodies for state officers the voice of the majority is never heard or if so it is merely accidental we have nothing new or worthy of your particular attention

I remain yours respectfully

PARIS C DUNNING

N. NOBLE

The Governor of Ohio to Noble[1]

EXECUTIVE OFFICE, OHIO,

COLUMBUS, 27th Feb. 1834.

SIR,—In compliance with the request of the General Assembly of the state of Ohio, I have the honor to transmit to you an

[2] Stephen P. Seall was appointed visitor to the State Prison on February 25, 1834, for the ensuing year. *Executive Proceedings, 1816-1836,* p. 361. His first report is given 267-69, below.

[3] Jacob B. Lowe, clerk of the Monroe County circuit court. He had received some votes for the nomination as governor in the Democratic Republican Convention which nominated James G. Read.

[1] Indianapolis *Indiana Journal,* March 8, 1834.

exemplified copy of a preamble and resolutions, passed by the General Assembly of this state, on the 24th of February, 1834, "accepting from the state of Indiana a relinquishment and conveyance of certain lands therein named, and agreeing to the terms and conditions of said relinquishment and conveyance"[2]—also a preamble and resolution, passed the same day authorizing the Canal Commissioners of the State of Indiana, their engineer, &c. to locate such part of the route of a canal from Lawrenceburg up the valley of White water river to the mouth of Nettle creek as may lie within the county of Hamilton in the state of Ohio.[3]

It will be perceived by the resolution first above referred to, that Ohio has by her official act accepted the terms and conditions of the transfer and conveyance of the Wabash and Erie Canal lands, as expressed in the resolutions of the state of Indiana, approved the first of February, 1834. An exemplified copy of such official act of acceptance I now communicate to you. Your receipt and official acknowledgment of the same, within the time specified in the aforesaid resolution of Indiana, will, as I conceive, close the contract between the states of Indiana and Ohio, relative to these lands, and the construction of such part of the canal as lies within the state of Ohio.

Our interests in this important work (as you justly observed in your communication) are not conflicting but mutual, and I trust these two states whose interests are so closely identified, will ever be found united in support of such measures as may tend to the prosperity of the western states, the stability of liberal principles, and the perpetuity of the union.

With great respect, I am your obedient servant.

ROBERT LUCAS

HIS EX. N. NOBLE, Gov. of Indiana.

[2] See above, 232n-33n.

[3] The Indiana Assembly passed at the 1833-34 session a joint resolution asking the Ohio Assembly to permit Indiana's canal commissioners to locate a route for a canal through Hamilton County, Ohio, along the route of the Whitewater River as part of a projected canal route from Lawrenceburg up the Whitewater Valley to the mouth of Nettle Creek in Wayne County. *Laws of Indiana,* 1833-34, p. 366. See below, 318.

——— to Noble[1]

CINCINNATI, Feb. 27, 1834

DEAR SIR—Your favour of the 8th instant came to hand in my absence (at Columbus.) I am indebted to your kindness for an over estimate of my agency in adjusting the arrangement between Ohio and Indiana for the satisfactory progress of the Wabash and Erie Canal. I have only contributed my mite with other individuals of Ohio who have felt a lively interest in the successful progress of this *second great western enterprise.*

I have now the further satisfaction to advise you that on the 25th inst. a bill passed our House of Representatives directing the Canal Commissioners to locate and establish the Ohio division of this canal, authorizing the Governor to select and sell the lands, and the commissioners to put such portions of the line under contract as they may think most conducive to the public interests, as soon as the avails of the lands will, in the judgment of the commissioners of the canal fund, warrant it. This bill it is believed will become a law in a few days; if it does, I confidently anticipate the final location of the whole line in Ohio, and the putting under contract, by October next, of a division around the Rapids of the Maumee river. This, with the vigorous prosecution of the work, which the late enlightened legislation of Indiana has provided for, will establish a just confidence in the completion of the entire line of this important national public work in the course of another five years.

You will agree with me that this is a result devoutly to be hoped for. I feel well assured that a generous and enlightened co-operation between the citizens of the two states may accomplish it.

It is with much satisfaction I have observed that your Legislature has provided for a survey of a line of canal in the valley of the White water. There is no valley in our country that presents a more inviting line for the construction of a canal,

[1] This letter is probably from the same person as the letter of January 4, printed above 216-18. It was printed in the Indianapolis *Indiana Journal,* March 8, 1834.

nor one better supplied with water. The character of the country through which it passes gives the strongest assurance that a canal through it would be eminently useful, and finally productive of revenue. The distinguished success of our Miami canal in the past year must be held to be conclusive evidence of the safety of this opinion.

I am, Sir, very truly, your friend.

GOVERNOR NOBLE, Indianapolis.

James G. Read to Noble[1]

COLUMBUS March 12th 1834

DEAR SIR, I have just received your letter, and have not time to write you so fully on the subject as I would wish. I will however remark, that if such is really your *opinion* as expressed in your letter, that you are *mistaken* you will know the great delay in your answer. so much so that I pledge myself, and will make oath if required, that I had supposed, that you had declined all further communication upon the subject and consequently set up some notices.[2] I told you in the winter I would set out in the spring—I have done so, and will return home on the 6th of next month—I instructed a friend to send on some notices towards the Wabash, which he has done or would do before he could get a letter from me, consequently I will have to take a nother tour—I will write to you immediately on my return home, and will give you a list of some of my appointments—I was anxious to see you at Bedford, so much so that I mailed the letter in Louisville, that you might get it in time; I would like very much to see you as I beleive we could make some arrangements

[1] ALS. ISL: Indiana Division, Noble Papers.

[2] Read probably refers to the matter of campaign agreements between Noble and himself. Noble had suggested in his letter of January 20, printed above, that they campaign together, or both stay home. Meanwhile, apparently letters passed between them that have not been found. See Noble to Embree, March 14, 1834, below.

that would lighten our burthen for the roads are desperate. I am in great hast—Your most obt

J G Read

[Addressed:] His Ex'y Noah Noble Indianapolis Inda

P. S. I will be at Shelbyville on the 1st of Apl. & Fra[n]klin [on the] 2nd where I shoud be pleased to see you. I have lost my acct. but I think them are the days at any rate you will see the time at Shelbyville in the Shelbyville paper

The Governor of Illinois to Noble[1]

Belleville, Ill., 13th March, 1834

To His Excelly. N. Noble Gov. of Indiana

Sir—I had the honor to receive your communication together with a certified copy of an act of the Legislature of Indiana relative to the improvement of the Great Wabash River.[2] And I can assure you that the people of this State will cooperate with the State of Indiana in the work of improvement with great cordiality. The improvement of the navigation of this river is very interesting to the people of this State and more Particularly to those residing on the Eastern part. They are much pleased with the course adopted by the State over which you preside and will join in the work with that good feeling which becomes each State to observe toward the other.

Samuel Munday Esq. is appointed Commissioner by the General Assembly of this State: and a gentleman of good character and standing: and resides in the county of Wabash near the contemplated improvement of that River.

The Commissioner on the part of this State has been informed of the appropriation made by Indiana, and a warrant will be issued on the Treasury of this State in his favour so soon as he is qualified in office.

[1] Greene and Alvord (eds.), *The Governors' Letter-Books 1818-1834*, pp. 253-54.

[2] See above, 198n.

Having furnished the above information the Commissioner on the part of Indiana may be enabled to correspond with Mr. Munday on the part of this State so that the preparation for this desireable work may commence immediately.[3]

With great respect I am Your most obedient Servant

JOHN REYNOLDS Gov. of Illinois

Noble to Elisha Embree[1]

AT HOME, NEAR INDIANAPOLIS 14 March [1834]

DEAR SIR I have made the proposition to Judge Read[2] and since the close of your labours in the legislature supposed I had concluded an arrangement with him by which we had both agreed to stay at home, he reserving the right to go to the counties he did not visit before to which I assented, but in reply to my letter accepting his modification he says he did not get mine in time & had sent out notices &c. this is all trick in the Judge, and his course is dictated by some men here.[3]

Since I supposed all was settled I engaged the building of a barn which must stop if I go out but besides private matters I find that public duties must be neglected if I take the rounds and among other things you know I am one of the Commissioners to superintend the State House, the materials must be inspected daily. Under these circumstances can I stay at home and let him go out, I sending out a circular telling the people that such duties keep me from visiting them? Will it be *safe* to me? Can he get up an excitement in going alone? Write me freely after *privately*

3 Andrew Gardner of Knox County was appointed by Noble commissioner on the part of Indiana to meet with the commissioner from Illinois to carry out the provisions of the legislatures of the two states. Indianapolis *Indiana Journal,* March 29, 1834. The *Journal* stated that Gardner had been recommended "by several of the Wabash delegation as a gentleman well qualified for the station."

1 ALS. ISL: Indiana Division, Embree Papers.

2 See postscript in Noble to Read above, 226, and Read to Noble, 240-41, above.

3 For other agreements between Noble and Read see below, 250-51, 261-62.

consulting some friends.[4] The news so far is decidedly in my favour. Respects to friends of your town.

In reality Your frd & svt

N. Noble

[Addressed:] The Hon Mr Embree Senator from Gibson Princeton, Indiana

David Burr to Noble[1]

Treaty Ground, March 17th, 1834

His Excellency N. Noble, Governor of Ind.

Dear Sir: Your communications of the 8th inst were duly received, and afforded much satisfaction in witnessing the success of your exertions, in bringing to a satisfactory close the long pending negociations between Indiana and the State of Ohio, respecting the construction of that part of the Wabash and Erie Canal, which extends from the state line, to the Maumee Bay.[2]

The board of Canal Commissioners have held their meeting for marking out the preliminary line of operations to be pursued during the year. In regard to the White Water Canal they supposed the public interest would be best subserved in having the general superintendance of the surveys made under the direction of Mr. Williams, the Chief Engineer, who is now making a general reconnoisance of the route on each side of the river. An assistant Engineer of skill, with a locating party, will proceed to the White Water Valley by the 20th of May, and commence the field-work, which will be completed probably by the 1st of August next. Mr. Williams, near, or at the close of the field work, will carefully visit, (and revise if necessary,) the whole line taking such notes as will enable him to make the estimate &c. The Maps, Profiles, Plans of the route, and the estimates of the cost of the construction, will be made at the office of the Engi-

[4] See Embree's reply, March 22, below.

[1] Richmond *Palladium*, April 19, 1834. Burr was a commissioner of the Wabash and Erie Canal.

[2] See above, 232-33, 233-34, 237-38.

neers in Fort Wayne, jointly by the Engineer in Chief and the Locating Engineer. So that in this way the state will have the benefit of the Services and Experience of Mr. Williams in regard to this Canal, as well as those of his Assistant.

The Board of Commissioners are negociating with Mr. Goodlong [Gooding], an Engineer of ability to head the locating party this year, which will be kept employed in the field the greater part of it.

A locating party is now at work on the Wabash, running experimental lines, preparatory to the final location, near the mouth of the Mississinway. No time will be lost, or exertions spared in hastening the progress of the work which is to be performed this year.

With great respect, your ob't. serv't.

D. Burr

Elisha Embree to Noble[1]

Princeton 22d March 1834

Dear Sir I received yours[2] and with much pleasure consulted some friends here upon the subject of your travelling the state this spring and summer. And from the information I have obtained not only from them but by passing among the people since I returned home I have but little doubt of your reelection without putting yourself to too much trouble in travelling through the state—The plan you suggested of issuing a circular is one of the most effectual modes of electioneering for a person holding the office you now so honorably occupy The people will not expect you to leave your official duties to be absent the greater part of the spring & summer—But it seems to be the opinion of your friends here that it is not safe to trust to a circular alone but that you had better give it an early start and then a while before the election for you to pass through the greater part of the state

If you conclude to pass through the state in coming down the Wabash it will be well to cross White River into Boons District

[1] ADft. ISL: Indiana Division, Embree Papers.

[2] See Noble to Embree, March 14, above.

for although he opperated all he could against you, yet the people here are much predisposed in your favour & I have no doubt but that an other visit will add much to your strength in this part of the state

Alexander D. Scott to Noble[1]

VINCENNES March 25th 1834

DEAR SIR The office of associate Judge has become vacant by the death of R. P. Price in this County and it is necessary that an Election should be held imediately as the office of Commissioner is vacant and there can none be appointed until there is another Judge

Please issue a writ of Election imediately[2]

Respectfully Yours

A D SCOTT
Clerk of Knox Circuit Court

NOAH NOBLE Esq

[Endorsed:] Writ issued 29th March 1834

John Ewing to Noble[1]

HO. OF REPS. March 27th 1834

Private.

DEAR SIR, I recd. your favor of 14th on yesterday—and by last nights mail transmitted the Treasury report under my own frank—the "Blue Book" is a restricted publication—one copy only allowed—but I procured it through *a printer,* and sent it necessarily under the frank of our Clerk.—

The course of Col. Johnson is subservient his acts do not correspond with his private opinion and *Van* will leave him far in the rear: indeed, I think he (the Col.) only contemplates

[1] ALS. ISL: Archives Division, Governors' Correspondence.

[2] Price died on March 18. Joseph Chambers was elected associate judge of Knox County to fill out his term and was commissioned May 18. *Executive Proceedings, 1816-1836,* p. 495.

[1] ALS. ISL: Indiana Division, Noble Papers.

playing second fiddle and some serious doubt is entertained of his permission to draw even that bow! Your contemplated course is the proper one McLean must be the man if Mr. Clay should not offer with the certain aid of the south for nothing certain can be effected without that aid. Let your contemplated paper beat down the authority of the intended "National Convention," and leave Van without that power for Gods sake—the favorite is an after consideration. Do not allow Col. Johnsons friends to be prepared for his leap to Van—let them be warned and ready to abandon him if he succumbs—and that he will, I have no doubt at present. Why should those who prefer him for the first, support him for the second? Van is known—turn to his course upon the Cumberland Road, upon the public lands, upon Internal Improvements &c and why should the friends of Col. Johnson support such a politician for the first station, to make the Col. second to a leader so inimical to all our western wants?—The election in Virga. now approaching will have a tremendous effect—the old dominion has a moral power, and I am sorry the contest is so near—but this is useless—I have not seen Gardiners report[2]—shall see it—understand it eulogises Mr. Reed—Haywards report shows the cause of your Indianapolis dismissals—and Lane is now at work with Boon,[3] and some others, to have the old officers replaced, as Genl. H. (the Distr. Atty)[4] has contradicted Mr. Gardiner—the effort shall be defeated for various reasons if I can—and I know the senate.

[2] James B. Gardiner had examined the land offices in Indiana by appointment of the Secretary of the Treasury. For his reports, see U. S. *Senate Documents,* 23 Congress, 1 session, 6:no. 439:27 ff. His report on the Indianapolis Land Office led to the removal of Arthur St. Clair, register, and James P. Drake, receiver. The latter was suspected of using land office funds for purposes of private speculation, while St. Clair was absent from the office about two thirds of the time, according to the report, letting his clerk take care of the business. He was later reinstated in the Indianapolis office; Drake was appointed receiver in the Vincennes Land Office in July, 1834.

[3] Amos Lane and Ratliff Boon, who were representatives in Congress from Indiana at this time.

[4] Tilghman A. Howard, who succeeded Samuel Judah as United States District Attorney and served from 1833 to 1839.

I should believe your election certain if I did not know that nothing will be left undone here to defeat you.—Your enquiry in relation to my colleagues, should not be necessary—you should know them. I do not believe Gov. Hendricks will interfere—and I do not know the course Genl. Tipton contemplates—but exclusive of our senators, and Genl. McCarty[5] who told me yesterday he should be silent, and my humble self, who can do nothing of any great avail, you have five avowed, and unqualified opponents—Mr Lane and Mr Boon, should be particularly attended to the others will not, I am of opinion, go out of their way—because the case is hopeless, unless you be heedless, which I now warn you not to indulge.[6]

Why, sir, Mr. Lane will place one son in law[7] again in office at Indianapolis bring another to congress from my Distr.[8] and in the mean time, oust you, with prospective views of his own, which I think it folly to repeat—attend to this man is all that can be necessary if you do not he will attend to you—of this enough.

I want the floor on the Deposites to touch the report—I am misunderstood at home, but that will soon be corrected—I must cease. Respy Yrs &c

JNO. EWING

If you could picture the situation of matters & things—men and management here, or if the people could see the reality—false shame would not cause any good man to bring our state into closer bondage.

[Addressed:] His Excy Noah Noble Indianapolis Indiana

[5] Jonathan McCarty.

[6] Besides Ewing, Lane, Boon, and McCarty, Indiana's Congressional delegation at this time included John Carr, Edward A. Hannegan, and George L. Kinnard.

[7] Arthur St. Clair, who was reinstated as register at the land office at Indianapolis.

[8] This may refer to Elisha M. Huntington of Terre Haute who had married Lane's youngest daughter in October, 1833. However, he did not run for Congress at the next election in 1835.

Noble to the Editor of the Brookville *American*[1]

INDIANAPOLIS, March 31, 1834

TO THE EDITOR OF THE AMERICAN:

SIR: In compliance with the duties assigned me at the late, and preceding sessions of the Legislature, a correspondence was opened with the authorities of Ohio with a view to the final adjustment of the terms upon which that state should complete the Ohio division of the Wabash and Erie Canal; and to obtain permission to enter her jurisdiction in surveying the line for the White Water Canal, from Lawrenceburgh to the mouth of Nettle Creek. These negociations having resulted in the attainment of our wishes, as recently announced by the Executive of Ohio; the information was immediately given to our Board of Canal commissioners, with a request, that the board would give its early attention to the survey of the White Water line,—and after consultation, advise me of the time of its commencement and the plan marked out for the prosecution of the work. In doing which, I recommend that the professional services of the Chief Engineer, Mr. Williams, might be given to the survey, should it be possible to withdraw them from the line. The answer of Col. Burr,[2] a member of the board, I now send you, with which you may gratify the anxiety of the people of White Water and its vicinity, who I suppose, all feel a deep interest in a work that will, at no remote period, be of great value to them.

With the Assistant Engineers now in the service of the board, I am acquainted, and have no doubt of their entire competence.—The execution of the field work committed to their charge, with the proposed superintendance of the Chief Engineer, will put to rest every doubt as to its estimated cost.

Should the board not succeed in obtaining the services of the Engineer spoken of, Mr. Gooding, it will not disturb the contemplated operations for the summer. Within the last week a

[1] Brookville *American*, April 19, 1834.
[2] See above, Burr to Noble, March 17.

gentleman in Pennsylvania, of high character in the profession, has tendered me his services, and others can no doubt be had.

I am respectfully, your ob't servt.

N. Noble

John C. Metrock [?], *et al.*, to Noble[1]

White County March 31st 1834

To His Excy Noah Noble Govr of Indiana

We the under signed Leagal voters in said County[2] do certify that on Saturday the 29th Inst between the hours 10 & 2 oclock of said day, did (after calling William Woods to the chair) nominate Malchi Gray as a suitable person for sheriff of said County, with few decenting voics, since which time, we understand the dissatisfied part sent runners through the neighbourhood and collected some to suit themselves—and went into a second nomination on the same Evening and at the same place, after the first had dispersed, Contrary to their own advertisment, (which was to meet at 10 oclock on said day and nominate) and has as we are informed recommended Benj Raynolds as their Choice, Contrary to the voice of the people of said County as we believe, and all presidents [precedents], we therefore pray your Excellency to appoint Malchi Gray[3]

Samuel Alkine	John C Metrock
Michael Ault	(or Metcalf?)
Joseph Bostick	Milton Done
William [ms illeg.]	Emanuel Metz
John Gay	Daniel Sayre
William Gay	Joseph Sayre
Jams Gay	John McColloch
John Barr	Wm Smaller
George W McColloch	Robert Barr

[1] DS. ISL: Archives Division, Secretary of State file.

[2] White County was formed by act of the legislature approved February 1, 1834. *Laws of Indiana,* 1833-34, pp. 67-68.

[3] Gray was not appointed. On April 26, on appointment by Noble, Aaron Hicks was commissioned sheriff of White County. *Executive Proceedings, 1816-1836,* p. 697.

Noble and James G. Read: Circular[1]

FRANKLIN, April 2, 1834.

FELLOW-CITIZENS: The claims which our private affairs have upon our time seem to render it inconvenient for us to visit all the counties. This consideration, connected with that of our having been previously before you as competitors for the office of Governor, to which we now aspire, has induced us to mutually agree, that we will submit it to our fellow-citizens to say who shall be their Governor for the next term; and therefore take this method of countermanding the notices sent by us respectively to the counties to which this circular is addressed.

N. NOBLE,
J. G. READ.

Noble and James G. Read: Election Campaign Agreement[1]

FRANKLIN 2 April 1834

The undersigned competetors for the office of governor, thinking it our mutual convenience to do so have this day agreed, that we will each return to our homes and business and that we will not go out among the people beyond the bounds of our respective counties for any purpose whatever to which we mutually pledge ourselves each to the other and should either violate this agreement the other is at liberty to publish it that the violator of his honor may be exposed. But in thus entering into this memorandum each of the parties reserves to himself with the consent of the other the following privileges to wit—Mr Read is authorized to visit the Counties of Marion, Hamilton, Madison, Delaware Grant & Harrison, and in addition is to pass the road from Jeffersonville to Davis County to attend to private affairs, but without making political effort. Mr Noble on his part is to visit Rush Lawrence and Dearborn and may travel north on the

1 Indianapolis *Indiana Journal,* April 26, 1834, taken from a "late Vincennes paper."

1 ADS. ISL: Indiana Division, Noble Papers. This document was also printed in the Indianapolis *Indiana Journal,* July 26, 1834.

Michigan road forty miles— Each to visit the counties named only once. In no other event than the one named is this memorandum to be published and Judge Read is to fill his appointments at Edinburgh Brownstown Salem and Providence with Noble if the latter choses.

N. Noble
J G Read

[Endorsed:] 1st Agreement

I further agree[2] that If Judge Read shall within the month of April, conclude to go to the Lake counties, and those named north of Indianapolis, and extend the privilege to me, that I will in that event give up my right to visit Rush, Dearborn and Lawrence, for *public speaking,* or if he should conclude not to visit the counties named north, nor those at the Lake, I will also decline going to those above named, except on a visit with my family. In either case, Judge Read is to make the selection and notify me by mail, in this month, [April.]

N. Noble

Woodbridge Parker to Noble[1]

Salem April 2d 1834

Dear Sir Your letter of 14th March was received on monday last 31st. I ought to have received it much sooner— I am inclined to believe that your letter was detained in the post office at this place or was *overlooked* by the Post Master— I generally call at the Post office and enquire for letters every mail that arrives; and your letter is the only one (since my return) that I have failed to receive by due course of mail.

Agreeably to your request, I have named the subject of your letter to several confidential friends in this place—and they are all of the opinion that a circular extensively circulated would have a better effect than addressing the people in person— My advice

[2] This paragraph was attached to the Agreement when printed in the *Indiana Journal* of July 26, but does not appear on the manuscript document.

[1] ALS. ISL: Indiana Division, Noble Papers. Parker had represented Washington County in the lower house of the General Assembly during the 1833-34 session.

also would be for you to stay at home for the pressent and attend to the affairs of the State & in your circular explain the reasons for so doing

I think there is no doubt but you will get as many votes in this county as Read

Read will address the people in this place on next Saturday—Should his speech make an impression—unfavourable to you I will inform you of it by the next mail—please call on the secretary of state & request him to send the amendment to the Ohio & Lafayette Rail Road charter to the Printer here: the directors wish to organise the company but wish to have the amendment become a law first and that cannot be until after its publication in the Western Annotator[2]

I am very Respectfully your obt servant

WOODBRIDGE PARKER

NB Brother Patrick gives Read his due in his last paper but he has not done yet

[Addressed:] Noah Noble Esq Indianapolis Ind

Thomas Nichols to Noble[1]

DANVILLE April 6th 1834

DEAR SIR Mr Bryant informed me that you wished me to let you know when our Battalion muster would Be and I will do so with Pleasure—the first Battalion will Be at this Place on the 30th day of May next and the second Battalion at Bellville on the 31st day of May next I placed them on these two days expressly for your convenience and I intended to inform you & Gov Wallace of the same so that you might attend and I shall expect you to attend I think as your fame has increased & you

[2] The Ohio and Lafayette Railroad Company had been incorporated February 2, 1832, to build a railroad from a point at or near the Falls of the Ohio to Lafayette by way of Salem and through the counties of Monroe, Owen, Putnam, and Montgomery. The amendment of 1834 appointed additional directors and provided for its termination at Crawfordsville instead of Lafayette. *Laws of Indiana,* 1831-32, pp. 189-97; 1833-34, pp. 245-47.

[1] ALS. ISL: Indiana Division, Noble Papers.

taned Reeds hide so completely Before that you have nothing [to] fear next August nothing more But wish you great success and remain yours Respectfully &c—

THOS. NICHOLS

GOV. NOAH NOBLE

Alexander C. Stevenson to Noble[1]

GREEN CASTLE April 11th 1834

DR SIR Permit me to solicit a favour for my friend Mr Cowgill. I have understood that Mr McJunkin is in such a state of health that he cannot survive long. If the office of prossecutor shoud be vacated by his death you would confer a favour for which the friends of Mr Cowgill will feel themselves obliged by giving him the appointment[2]

Your letter last winter was received in due time and was entirely satisfactory to the professors of Transylvania[3] For which be pleased to accept my most sincere thanks

The political field (in Putnam at least) is fully as favourable as when you were before the people last If any undue advantage should be attempted you will be timely notified

With much esteem Your obt servt

GOVR N. NOBLE A. C. STEVENSON

Paris Dunning to Noble[1]

BLOOMINGTON April 12th 1834

DEAR SIR I received your friendly communication some three or four days since but was too buisy to reply to it this being our court week.

[1] ALS. ISL: Indiana Division, Noble Papers.

[2] See Cowgill to Noble, February 14, 1834, above, and note.

[3] Stevenson received a medical degree from Transylvania University in Kentucky about 1825, and settled at Greencastle the following year. He had served in the House of Representatives during the 1831-32 session. *Weik's History of Putnam County Indiana* (B. F. Bowen & Company, Indianapolis, 1910), 696-700. The content of Noble's letter is not known.

[1] ALS. ISL: Indiana Division, Noble Papers.

I am glad to hear from you that you will visit our county & shall be glad to render you any assistance in my power I shall be at home the most of my time after the expiration of about ten days or two weeks at farthest your prospects are good in this county I shall on monday start to Owen court where I shall render you all the service I can amongst my acquaintances

I am informed James Borland Esqr will start from this to your place in a few days in order to settle up & resign his agency for the *Reserved Township* of Lands in this county I am also informed that William Alexander Esqr is an applicant to fill the vacancy so far as regards qualifications he has ample capacity & his moral honesty & integrity has never I believe been questioned I can further safely say that his appointment would probably give more general satisfaction than any man in Monroe county I do not know who will be the applicants or whether any person will apply but himself I deem it improper to say any thing about his political sentiments as such qualifications if I may use the expression ought to have no weight in appointments of this character if in your opinion it may be deemed conducive to the public interest to appoint him I shall feel gratified[2]

I shall be glad at any time to receive a line from you & shall feel equally gratified to have it in my power to render you any kindness I can

Accept the assurances of my good will & respect

N. Noble Esqr. P. C. Dunning

Samuel Bigger to Noble[1]

Rushville Apl. 18, 1834

Dear Sir A short time since a letter from you was put into my hands inquiring as to the course taken by Read in his speech at this place. I would have answered your letter sooner, but

[2] Borland had been serving as commissioner of the reserved seminary township in Monroe County. He was succeeded by Alexander, who was elected to the office by the next Assembly. *Executive Proceedings, 1816-1836,* p. 314.

[1] ALS. ISL: Indiana Division, Noble Papers.

immediately after its receipt, I left home on the Circuit & have had no opportunity until my return to give you a satisfactory answer, as I did not hear his speech myself & therefore not having it in my power to know what he did say, until I could enquire of some competent person who was present. I cannot ascertain that he made any improper allusion to your executive conduct. His speech, I believe consisted pretty much of glory & reform & the hero of New Orleans, & such other common words & phrases as serve for the *war cry* of the party; & wound up by saying sundry very *smart* things about the great race that he and you were to run on the first monday in August next; that although you had beaten him in a former race you had not distanced him—That when a boy he was wont to wrestle a great deal, and it was a rule with him to go in for the two best out of three, and that he intended not to yield the point in the present case, without another fair trial,— & finally that he had no doubt that he would have the second fall in his favor if his fellow citizens would only *leg* for him on the first Monday in August, &c &c &c &c

Passing through the crowd immediately after he had concluded, I heard a great many remarking they could not go in for that man, for he wanted them to show *foul* play, that they did not believe in *legging* for any body, & such like remarks.

Upon the whole I believe his speech made very little impression. The great body of the Jackson party I am inclined to think, are not disposed to leg for *him* at least

Yours in haste

S. Bigger

P. S. Genl Morgans Pumpkin seeds were received. I have not yet had an opportunity of delivering them to him yet, but expect to do so in a few days[2]

[Addressed:] His Excellency Noah Noble Esq Indianapolis Indiana

[2] The Indianapolis *Indiana Democrat* of July 11, 1834, had this comment: "Many of our readers have heard of *wooden nutmegs* and *horn gun flints*—but of all the *late discoveries*, Governor Noble's electioneering *pumpkin seed* caps the climax. We understand he has sown a plentiful supply in this and the neighboring counties, and even in some of the

William E. Talbott to Noble[1]

Greencastle Apl. 18th 1834

D. Sir I have recd. yrs. dated Apl. 12th and feel gratified to hear of your prospects agst Read and Johnson agst. Van— If your success for Gov. and Johnson's for President depended upon the voters of Putnam Co. Read would return to the duties of his office—and the little Dutchman would have to preside over the Albany junto if he is determined to have a presidency. I have one request to make, if consistant with your feelings. We have recd. information, that can be relied on, that McJunkin, the present prosecutor in this Judicial Circuit, is likely not to live but a short time, at all events not over three or four weeks, in which event it devolves on you to apt. a pro-tem officer. My friend Mr. Cowgil wishes the apt. he has been prosecuting under Judge Kinney[2] at one or two courts lately, and I understand has given entire satisfaction. I have likewise, conversed with several Lawyers of eminence, and they state Mr. Cowgil is in every way qualified. It would be gratifying to your friends in this part of the country if you would give him the apt. if there should a vacancy occur Mr. Cowgil is your particular friend, and entirely honourable in all his dealings. You will please inform me off your determination in the above matter.[3]

We expect you to visit us some time during the summer—I will inform you, at all times, if there should any thing come up prejudicial to your election.

Your ob. Sevt.

W. E. Talbott

N. Noble Esqr.

NB Col. Sigler tenders his best Respects. W.E.T.

more remote parts of the state. He expects to gather a pretty plentiful crop about the first Monday in August. Unfortunately, however, for the Governor, we have lately learned that in a majority of cases, his seeds have been so mixed up with United States' Bank documents, that they won't produce.

1 ALS. ISL: Indiana Division, Noble Papers.

2 Amory Kinney, president judge of the seventh circuit.

3 See Cowgill to Noble, February 14, 1834, above, and note.

Joseph Holman to the Secretary of State[1]

MIAMIESPORT April 21st 1834

DEAR SIR We understand the Govrs absent The Law organesing Miami County we understand has no enacting claues tho in force immediately after its publicatn[2] the distance & the rounds of delivery we fear will disappoint, or prevent us from having our Seat fixed at the time named in the law

be pleased if authorised to direct an election for our County officers and forward us a Copy of the Law by mail by so doing you will much oblige your friends in this County

Verry respectfully

JOSEPH HOLMAN

HON WM. SHEETS Secretary of State

[Endorsed:] The Secy will please send out McGregors Com as shff Miami County—& let writ of election also go. N NOBLE 28 Apl.

Enoch D. John to Noble[1]

PHILA. 23d April 1834

MY DEAR SIR I arrived here to day from New Orleans by way of New York. The prospects of our Pork speculations is like to come out better than I expected when I left home—have shiped our [illeg.] pork to Boston it is selling there from 16 1/2 to 17$ per Bbl—shall go on to Boston in a few days to meet our pork when it arrives—

Great excitement prevails every where I have been & the administration is evidently becoming more unpopular every day. In Mississippi & Louisiana no one I met pretended to justify

[1] ALS. ISL: Archives Division, Secretary of State file.

[2] Miami County was formed by act of February 2, 1832. Ambiguities in the description of the boundary were corrected a year later, and then the county was organized by act of February 2, 1834, effective March 1. George Pence and Nellie C. Armstrong, *Indiana Boundaries, Territory, State, and County (Indiana Historical Collections,* Vol. 19, Indianapolis, 1933), 592, 594.

[1] ALS. ISL: Indiana Division, Noble Papers. John was the husband of Noble's sister Eloise.

the usurpations of the President & even in New York the current is seting strong against him & it is believed Van Buren is tottering to his fall. they held a festival here on yesterday as a token of the high grattification felt by the late signal victory (as it is considered) the Whigs have obtained at their [illeg.] Elections over the Tories (or Jackson Van Buren party) in the state of New York—400 citizens from New York attended the festival & it is said from 50 to 70 Individuals were present on the occation—you will however see a detailed account in the papers—

Your acceptance in my favor for 500 $ & for my accomodation will fall due about the time I reach home & not knowing how I have succeeded at home in collecting during my absence I have herewith inclosed for your acceptance by blank Dft for $400 which you will oblige me very much by accepting & enclosing it to me at Lawrenceburgh to meet me on my return which I hope will be by the 10th of May—

I regret very much to see the friends of Law & the Constitution in Indiana so inert & insensible to their danger—Meetings should be got up all over the state reprobating the course of the Executive & arousing the people to a sense of their real danger. The current is now seting in favor of the perpetuity of our institutions & now is the time to [illeg.] a political revolution. One united effort of the opposition before Congress adjourns would intimidate the reckless part of the dominant party in Congress & secure the ultimate recharter of the U S Bank & prostrate forever the fond hopes of Van Buren & his vile coadjutors— The 6 million mortgage of New York is very unpopular with the people of that state & can be turned to good acct in the present struggle— But unfortunately at this day of our Republic our political men especially of Indiana who think right but dare not speak out or act out—are hand cuffed & gaged & almost disfranchised by their own ulterior & selfish views as regards their own advancement so that their weight is lost in the state in this momentous struggle for the Constitution & our rights—

If I can get time will write you again while to the East—

Your friend &c

Enoch D John

[Addressed:] Noah Noble Esquire Indianapolis Indiana

Amory Kinney to Noble[1]

TERRE HAUTE April 24 1834

DEAR GOVERNOR I write you partly to explain what may seem to require it, and partly to perform what seems to be due from friend to friend When I wrote the letter which I did in behalf of Mr. Cowgill[2] I was not aware that much sentiment prevailed nor was I, when I signed the recommendation in behalf of Mr. Huntington I told them both that I should take no part between them but was willing to say to your Excellency that I think them qualified for the office they aspire to. I esteem them and consider both of them my friends. But there are some facts that I think it proper you should be made acquainted with. I now learn that there is considerable interest taken in the appointment and I fear that those who may be disappointed may try to injure you at the approaching election. There are some (particularly in Putnam Co.) who are disposed to be your friends that are verry desirous to have Mr. C. succeed and this feeling is increased by their dislike to Terre Haute and there [are] others both in Putnam and Monroe who support Mr. C. that will oppose your election in any event. I feel it my duty to state to you the standing of the matter as I view it. In Vigo, Sullivan Knox, Daviess & Martin Mr. Huntington[3] was popular when he held the office before and I think still retains his popularity so that his appointment in these counties would be as acceptable as any that could be made In Monroe & Putnam Mr. C. would be prefered— In Greene Owen & Clay I can not speak with certainty—both I think have numerous friends but when in those counties I heard verry little said upon the subject. I sincerely regret that it devolves upon your excellency to make the appointment at this crisis— feeling as I do a deep interest in your prosperity as I consider that of the state identified with it— I have not time to add much

[1] ALS. ISL: Indiana Division, Noble Papers.

[2] This letter has not been found. For Cowgill, see his letter to Noble, February 14, above, with note.

[3] Elisha M. Huntington, who had been commissioned prosecuting attorney for the Seventh Circuit, January 23, 1830, and served for two years.

as it is late (having rode from Greencastle since 12 M to day) but I felt as if I could not well say less— I have doubt a little whether it may not be prudent to delay the appointment a little. the circuit is nearly closed and the publick interest will not suffer I only make this as a suggestion with out much reflection and hope you will pardon the freedom I take. My motive is my apology— I know that you are well acquainted with the gentlemen refered to and particularly with Mr. H. Were it otherwise I should have felt bound to have said nothing unless I expressed a prefference—

Please accept the assurances of the esteem and high consideration of your friend and Humble servant

A. KINNEY

[Addressed:] His Excellency Noah Noble Indianapolis
[Postmarked:] Dicksons Mills Ia.

Jonathan McCarty to Noble[1]

HOUSE OF REPRESENTATIVES WASHINGTON CITY

Unofficial April 24, 1834

DEAR SIR Your letter of the 12th Instant has this moment been received by which I am informed of a delinquency in not returning the strength of the division under my command in reply I have to observe that it was not possible for me to make out a full and complete return within the period fixed by law for want of the propper & full returns from commandants of brigades what [which] I have learned could not be furnished in due time owing to delinquencies of commandants of some of the regiments. Returns however for some of which was confidently expected even after these legal delinquencies have occured with this view and to the end that my return when made should contain as near as possible the true strength of the division

to accomplish this object was the cause of the delay in not making a return at the time fixed by our statutes and with a hope of obtaining a more full and complete return and when I

[1] ALS. ISL: Indiana Division, Noble Papers.

left home to take my seat here last fall I directed my divissional inspector to forward in a few days such a return as the returns he then had and might within a verry few days obtain and [if] no additional returns were received from the commandants of brigades to forward a statement of the facts which I had supposed was done untill I received your letter I have written to my inspector to forward such a return as he may have it in his power to do from the returns in his hands

I have the honor to be verry respectfully your obt servt

GOVR N NOBLE J MCCARTY

Confidential

P. S. In refference to the aspect of political affairs in our state both local and Genl as sudgested by you I assure you gives me no *pain*. All I will now say upon the subject of the comparative strength of *little Van Johnson* & *McClain* is godspeed the [illeg.] (and save us from the [illeg.] grasp) The state of things here are by no means as I would wish them, God only knows what is to be the result of our distracted state of the currency I did hope and I had authority for that hope that we would have a substitute for the present bank. But to hope longer from present appearances seems really to hope against hope. The recent doctrines will not suit me but I still trust a still broader [MS illeg.] of doctrines will yet take place

You speak of the land officers perhaps Mr Lane may get his son in law nominated & I think likely But to get him through the senate is another question we will see

Noble and James G. Read: Campaign Agreement[1]

INDIANAP[O]LIS 26 April 1834

Judge Read having arrived at this p[lace] without having received N Nobles letter in reply to his (Read's) communication

[1] ADS. ISL: Indiana Division, Noble Papers. The document is in Noble's hand; on the reverse is a copy of the agreement between Noble and Read of April 2, in Read's hand.

of 7th of this month,[2] by which he would have learned that no notices had been sent out to the counties north, therefore the undersigned have agreed that in place of their supplemental understanding endorsed upon the copy in Judge Reads possession as made at Franklin,[3] the following substitute is adopted, to wit. N Noble reserves the right to visit with his family, Lawrence, Rush & Dearborn Counties—and the parties agree that they will address the people in Hamilton Co on the 2d June, in Madison the 3d in Delaware 4th thence through Henry to Pendleton at which latt[er] place they are to close their political efforts,[4] but [in going] to these three counties [Lawrence, Rush, and Dearborn], with his family if he choses, N Noble is not to address the people—the notices to be given by Judge Read, before he departs, at his discretion

N Noble
J G Read

2 This is printed below, 294.

3 See above, 250-51. Read had apparently been out campaigning despite the agreement. The Liberty *Republican* reported on April 12 that he had been "on a tour as far north as Rushville. He [Read] informed us by the last western mail," the *Republican* (a Democratic paper) continued, "that in consequence of having to return home immediately he could not visit this county at the present, but will some time during the present season. Mr. Read also informs us that thus far he has found his prospects to be much better than he contemplated."

4 The Indianapolis *Indiana Democrat* of May 3, 1834, announced a schedule of speeches in accord with this agreement. The two candidates were to speak at Noblesville on June 2, at Andersontown on June 3, at Muncietown on June 4, and New Castle on June 6, and at Pendleton on June 7.

The *Democrat,* on May 17, announced that Read would speak at the Court House in Indianapolis on Saturday, May 31. "Our country friends would do well to attend," the paper added, "as this will probably be the only opportunity of seeing or hearing Mr. Read previous to the election." A report of the speech is in the *Democrat* of June 7. In it Read expressed himself as favorable to the completion of the Wabash and Erie Canal and Jackson's bank veto, and opposed to Clay's land bill. He favored graduation and reduction in the price of public lands. Read denounced Noble's expression of favor for Richard M. Johnson as "a cold calculating policy, which plainly indicated a desire to be Governor of Indiana." He also attacked Noble for trying to project himself as a "no-party" man.

Elisha M. Huntington to Noble[1]

Indianapolis 2d 1834 (June)

Dear Gov. If you should recieve names enough to authorize you to appoint me Pros. Atty. please transmit the appointment to R. D. Skinner Esq Terre Haute, who is my partner.—[2] I hear that you & Read had a pass or two at Noblesville— I hope you floor'd him, & if you did not that you will— I leave in the morning for the East. Yours

E. M. Huntington

Gov. Noah Noble

Jeremiah Stillwell: Statement Regarding Noble's Speech[1]

Muncie Town June 5th 1834

I was this morning called on by James G Reed Esqr a candidate for governor to sign a certificate the contents of which as well as I can recollect were that Gov. Noble in his speech of yesterday said he was no party man that he did not run on the party question, and that he had spoken of this as his section of the state &c

Having been informed that in giving the foregoing without connecting his Nobles other remarks with the statement given that advantage may be taken of it I now wish further to say that Mr Noble disclaimed running on any party question Mr Noble then read an extract from Mr Reeds speach said to be delivered at Salem[2] Towit, "He Mr Reed disclaimed all idea of getting votes on party grou[n]ds. If elected he wished to stand on his own merits. *Party strife* said he has been entire absorbed by local influence. In portions of the state Jackson men would vote for governor Noble—in others Clay men would vote for James G. Read

1 ALS. ISL: Indiana Division, Noble Papers.

2 Huntington had been recommended to Noble for the office of prosecuting attorney for the Seventh Circuit to succeed McJunkin, deceased. See above, Cowgill to Noble, February 14, and Kinney to Noble, April 24.

1 ADS. ISL: Indiana Division, Noble Papers.

2 For similar reference to Read's speech at Salem see below, 285-86.

He Mr Noble, then insisted that Judge Read in the speech he had just delivered had aimed to excite party feeling and appealing to the audience Mr Noble said will you suffer Judge Read to raise the party question here in my own neighbourhood to sacrifice me whilst in his own section of the state he disclaims all party ground

But in speaking of this as his neighbourhood Mr Noble did not claim support on that ground but merely spoke of it as being near his place of residence

JEREMIAH STILLWELL

Noble to the Governor of Illinois[1]

STATE OF INDIANA EXECUTIVE DEPARTMENT

[June 9, 1834]

TO THE GOVERNOR OF THE STATE OF ILLINOIS

SIR: It has been made known to me that on or about 20th day of April 1834 at the county of Sullivan & State of Indiana, Samuel Bratten, Oscar Hampten, Reuben Leech, James Shaw (commonly called "Curly Jim") and John Jeffords, did commit a certain assault and battery, with an intent to perpetrate murder, on the body of one William Stinnette, as will fully appear by the affidavit herewith transmitted you; and it has also been made known to me by the said Stinnette, that he believed the aforesaid Samuel Bratten, Oscar Hampten, Reuben Leech, James Shaw (alias Curly Jim) and John Jeffords are now residing in your county of Crawford:

Now therefore, in pursuance of the acts of Congress provided in such cases, entitled "An act respecting fugitives from Justice" &c I do hereby demand that you will cause to be apprehended the aforesaid named Samuel Bratten, Oscar Hampten, Reuben Leech, James Shaw (alias Curly Jim) and John Jeffords, wherever they may be found within the limits of your state and to cause them to be delivered to William Stinnette who is hereby appointed agent on the part of the State of Indiana, to receive said fugitives

[1] DS. ISL: Indiana Division, Pratt Collection.

from the civil authority of the State of Illinois, that they may be brought to the State of Indiana, to be dealt with and tried, according to law for said offence.

In testimony whereof, I have hereunto set my name and caused to be affixed the seal of state, at Indianapolis, this 9th day of June, A.D. 1834.

[Seal] N. Noble

By the Governor,

Wm Sheets Secy of State

The Secretary of State of Illinois to Noble[1]

Office of the Secretary of State

Vandalia June 26th 1834

Dear Sir The Demand made by the executive authority of the state of Indiana upon the Gov. of this state for the apprehension and delivery of certain fugutives from Justice has been duly recevd by the Agent of your State Mr Stinette. And I am desired to inform you by his excellency Govenor Reynolds that it is with much regret that he is compelled to return a portion of your papers for the purpose of having them certified in conformity to the provisions of the Act of Congress passed February 12th 1793. You will perceive by reference to the act above refered to that the original affidavit chargeing the Commission of the offence must be certified by the Gov. of your state as authentic. There is no recognition in said act of the right or power of any other officer to make the Certificate. You will further observe in the revised statutes of this state which I presume are on file in your office relative to the apprehension of fugitives from Justice A similar provision having nothing there but the positive provisions of the act of Congress recognized by the enactments of our own Legislature to be governed by it would be impossible for the executive to regard as authentic that which would not be evidence in Courts of Justice in ordinary cases. It has not as you will perceive by reference to the affidavit been certified by the

[1] ALS. ISL: Archives Division, Secretary of State file.

presiding Judge that Mr Wolf was Clerk. I am desired to say on part of his Excellency that it will always afford him great pleasure to give every facility to the apprehension and arrest of all persons charged with the commission of offences in other states that may seek refuge here. I therefore return the affidavit to be certified by the Gov. of your state. it can then be returned to this department by mail and upon the receipt of it a warrant will be issued to apprehend the persons demanded and when they are arrested Mr. Stinette who informs me he will remain at home can be notified and the persons deliverd over to his charge.

I have the honor to be Sir with esteem Yr Obt Servant

A. P. Field

William E. Talbott to Noble[1]

Greencastle June 27th 1834

My Dr. Sir, Yours dated 15th I have recd.[2] and intended answering sooner, but owing to engagements I have not had it in my power— I understand you have recd. letters in your town stating that there is considerable excitement got up in this county in favor of Reed—and that it started from a meeting that was got up in the North East part of the county for that purpose. I can assure if they is such letters in circulation they are positively false— they was a meeting of several of the townships of the county for the purpose of ascertaining the opinion of the several candidates for the Legislature in relation to the Bank U. S. and in relation to the three per cent fund— Col. Sands[3] on his way from Louisvile some time hence met with Reed, and Reed told him that you had exhibited a letter from me, in Rush Coty stating that you would get a large majority of votes in this county I now repeat the same as being my positive belief for we are determined not to have a Van Buran Gov. if we can get a Johnson Gov. and the first Monday in August will veryfy my prediction in

[1] ALS. ISL: Indiana Division, Noble Papers.
[2] Not found.
[3] Col. Lewis H. Sands.

this county and all the countys west of us. I say or do nothing that I can, Who knows—

I expect to be barked at by the Democrat and by all Van Buren office holders, with Col. Sands and the Honorable Judge Faley[4] the night of the Battle and all species of rascality. The above named gentlemen I have got them where I can place my hand on them, when I wish to do so—and Mr Bolton[5] had better take care, or he may get his head in his hand—

We wish you to visit us when Reed does. Write me as soon as possible—

William E. Talbott

N. Noble Esqr

The Visitor to the State Prison to Noble[1]

State of Indiana, June 28th, 1834.

To his Excellency Noah Noble, Governor of the State of Indiana.

Sir—In conformity to the tenth section of the act for the regulation of the state prison, approved February 10th, 1831, I proceeded to visit said prison in May last, and now beg leave, in compliance with the 11th section of the above mentioned act, to make the following report, to wit:

The *regimen* of the prisoners is good, consisting of pickled pork, corn bread, and Irish potatoes of a good quality.

A competent physician is employed, and such other means provided as to ensure the necessary care and attention to the sick. The prisoners at the time of my visit were generally healthy.

The *apparel* of the convicts consists of tow linen shirts and pantaloons, with caps made of stiff cloth suited to the purpose.

Their situation for *cleanliness* is equally good. Three of their number are constantly engaged in cooking, washing, making, and

[4] Probably Joseph F. Farley, probate judge of Putnam County, 1829-30. *Executive Proceedings,* p. 572.

[5] Nathaniel Bolton, editor of the *Indiana Democrat.*

[1] Indianapolis *Indiana Journal,* February 3, 1835.

mending. The dining room, kitchen, and apparel are kept in excellent order. The cells and beding are clean and free from any kind of filth. It is the uniform rule to change their apparel every Sunday morning. They are during the week as cleanly in their persons and cloths as laborers in like employments.

They are engaged in various kinds of *mechanical labors*—brick making, coopering, blacksmithing, wagon making, millwright work, and sawing with a whip saw. These are to be their employment during the warm season. Their labors are not more severe than is required by the spirt and true intent of the law, nor such as to endanger their health.

Upon the subject of *instruction* the superintendent has complied with the law. Each prisoner is furnished with a Bible and Testament. No Sunday school is kept in the prison and very few preachers or philanthropic persons visit the prison for the purpose of teaching the prisoners, although accomodations are provided for the purpose.

The *government* of the penitentiary is well adapted to the spirit of our laws, and the reformation and safe keeping of the prisoners. Conversation and intercourse between them are prohibited to as great an extent as the situation of the building and the nature of their employments will admit—there being at this time fifty-six prisoners, and but thirteen cells, which are fit for use. Nineteen more cells have been completed, which from the newness of the timber and other materials are considered too damp and unhealthy for use. In a short time however they will be sufficiently dry, and the present inconvenience in some degree remedied. I am inclined to think a further number of cells ought to be provided.

The *Punishment* is such (and not more rigorous) as to produce the necessary observance of the regulations of the prison.— The prisoners, such as are unruly wear a chain around one leg, and those who are more turbulent, around both legs: one half however or more perhaps, do not require even that, and are free from such incumberance.

The *books* of the prison are of good paper and suited in binding and size to the keeping of the necessary entries, which are regu-

larly kept by the superintendent himself or a person employed by him for that purpose.

In conclusion, the influence of the institution upon the morals of the convicts (under the economy and good government now existing) furnishes the most satisfactory proof of the wisdom of our laws in providing for a penitentiary system, "bounded on the principles of reformation and not of vindictive justice." Of the convicts now in the prison, & of the number who may at any time be there, a great portion have been led to the commission of their offences by evil company, intemperance, and sudden passion,—in many instances under circumstances leading to a conclusion that they committed them without materially reflecting upon their nature and consequences. The penitentiary deprives them of the opportunity of annoying the community, whilst the punishment deters others, and solitary confinement in cells during those hours in which labour is not required, as well as their condition generally, is calculated to produce reflection and reformation in the minds of the convicts.

Respectfully, your ob't serv't.

Stephen P. Seall
Visitor State Prison.

To his Excellency Noah Noble.

Jonathan McCarty to Noble[1]

Washington 29 June 1834

Dr Sir Yours of the 18th was this moment received I had until a few days since supposed that the necessary orders had been given for the payment of pensioners at Indianapolis under the orders of Govr Cass of last winter

I called at the war office three days ago and had the order issued directing Mr Posey to pay at Indianapolis all who may call there to receive their pensions[2]

[1] ALS. ISL: Indiana Division, Noble Papers.

[2] Thomas Posey was pension agent for Indiana, and had continued to maintain his office at Corydon after the capital was moved to Indianapolis.

We adjourn to morrow The bill giving Indiana for the use of the canal the alternate sections,[3] the bill for the improvement of the Wabash[4] for a Lighthouse at Trail Creek[5] and for surveys have all passed Yours

J McCarty

His Excelency Govr Noble

Noble to Sylvan B. Morris and Royal Mayhew[1]

At Home, Near Indianapolis,
2d July, 1834.

Gentlemen— Your letter of invitation, in behalf of the Committee of Arrangements for the 4th of July and Rail road celebration,[2] I had the honour to receive.

[3] This act authorized the selection of certain Wabash and Erie Canal lands in Ohio. The selection was to be made in lieu of lands sold or otherwise disposed of by the United States in Ohio which would have become the property of the state of Indiana under the act of March 2, 1827, appropriating land for the Wabash and Erie Canal construction. The act also provided that lands along the route of the canal be withheld from sale until the canal lands were selected. U. S. *Statutes at Large,* 4:716-17.

[4] The bill for improving the Wabash was vetoed by the President. Senator Tipton regarded this action as "irreconcilable with his [Jackson's] approval of bills for improving the navigation of the Cumberland and Hudson rivers . . ." *John Tipton Papers,* 3:63.

[5] Construction of a lighthouse at or near Michigan City was provided for in an act making appropriation for the erection of several lighthouses over the country. U. S. *Statutes at Large,* 4:721.

[1] Indianapolis *Indiana Journal,* July 19, 1834.

[2] On the 4th of July, 1834, the first railroad built west of the Allegheny Mountains was put into operation. Its track ran for a mile and a half east out of Shelbyville. William J. Peaslee, a Shelby County resident, built the road entirely of wooden ties and rails; the cars were horse drawn. A parade marched from the courthouse to the western terminus of the track, an oration was delivered by R. B. Taylor, and dinner served. Afterward, the Indianapolis *Indiana Journal* of July 19, reported, "the Car was kept constantly running, and the greatest eagerness evinced to ride . . . It is computed that at least six hundred persons passed through, backward and forward, on the Car . . . between 10 A. M. and 6 P. M. In changing horses, &c. it is thought about three hours were lost, which leaves five hours for a car, drawn by one horse, to

It would afford me great pleasure to meet the committee, with other of my fellow citizens, at the festive board, and that pleasure would be greatly enhanced from the consideration, that, with the commemoration of our National Independence, you have connected the celebration of an enterprise of much promise, one which reflects much credit for its advocates. But owing to a mutual understanding, entered into at my request, by my honorable competitor and myself, one which my public duties forced me to urge upon him, I am deprived of the privilege of uniting with my fellow-citizens, in the celebrations on the 4th, and have, therefore, to decline an invitation, which I would, under other circumstances, embrace most heartily.

As an era in the annals of Internal Improvement in Indiana, the commencement of your Rail-way, is hailed by many, as constituting one branch of a general system, and it has been with deep interest I have witnessed and approved the bold advance, to the field of enterprise, which has been made by our citizens upon that line. As the advocates of an enterprise, originating with themselves, one which must exert a salutary influence upon the energies of other sections, and I trust, over the destiny of the State, its friends cannot now be shorn of the honours to which it justly entitles them. The example has already inspired the citizens upon the Evansville route with confidence in their own powers, and they are coming to the field of competition. It is believed also, the citizens of Levenworth, New Albany, Jeffersonvile and Madison, will, ere long, make a requisition upon their own energies and enter the list with the friends of Internal Improvement on White-water, the White Rivers, and Wabash, who are now maturing a plan that shall not transcend the resources within our command, be approved by the dictates of prudence, and, in due season, carry its benefits to every portion of the State.

transport six hundred persons two and a half miles each. Equal to one horse travelling with one person, fifteen hundred miles in five hours." This the *Journal* regarded as a remarkable demonstration of the utility of railroads. See also Edward H. Chadwick, *History of Shelby County Indiana* (Indianapolis, B. F. Bowen & Company, 1909), 260.

In such a plan as this, one that will not involve the State, I will at any propitious period, unite with my fellow-citizens; and in every instance where the citizens of the State put their shoulders to the wheel and provide so large a portion of the stock, as you have, the State, I would suppose, will not witness the struggle without lending her friendly aid and countenance in the consummation of their wishes.

I am thankful for the kind and polite manner in which the committee has tendered the invitation, and in return I beg you to convey my respectful acknowledgments to each member, and for yourselves accept assurances of esteem.

N. Noble

S. B. Morris, Chairman.[3]
Royal Mayhew, Secretary.[4]

Noble to the Freemen of Indiana[1]

[July 15, 1834]

Fellow Citizens: The humble part I have previously taken in matters connected with the welfare and prosperity of Indiana both before and subsequent to the formation of the State Constitution,[2] having inspired me with the hope that I was in some degree acquainted with the policy that should be pursued for the advancement of her true interests, I was induced, at the last election of the Governor, to place my name before you as

[3] Clerk of Shelby County Circuit Court.
[4] A justice of the peace of Shelby County.

[1] Indianapolis *Indiana Journal,* July 19, 1834. This Circular also appeared as an undated "Extra" of the *Journal.*

[2] Opening its comments on Noble's circular the *Democrat* jibed, "The Governor has issued a prodigious *Jimmy-Ray-like* Proclamation or Circular, to the Freemen of Indiana, informing them that he had and has taken an 'humble part' in matters connected with the prosperity and welfare of Indiana . . . Whether he refers to his having been connected with the prosperity and welfare of Indiana as Sheriff of Franklin county, once a member of the lower House of the Legislature from the same county, as Receiver of Public Moneys in the Land Office, or as commissioner of the Michigan Road, or as Superintendent of the State House, he has not deigned to inform us . . ." Issue of July 26, 1834.

a candidate for that office. At the polls I was honoured with such a number of your suffrages as recognized my humble claims to the office and was highly gratifying to my feelings. That mark of your confidence created a deep sense of obligation that will ever be cherished, and has excited me to renewed efforts to deserve this mark of public favour, by constant devotion of my time and the exercise of my best judgment in the advancement of the public interests.

The period for which I was elected being about to expire, and the office being again at your disposal, I once more tender you my services, with the benefit of such lights as the experience I have had in your service may afford. Public offices are public property, at all times open to the honorable ambition of every citizen; therefore upon the one with which you have honoured me I have no claim, except such as may be founded on the qualifications for the place, and on the judgment you may form as to my past official conduct. And before you again determine between my competitor and myself, I invite your scrutiny into my public conduct, and if you find that I have not been prompt and faithful in the discharge of my official duty according to the best of my ability—that I have been unfaithful to the trust confided to my hands, and have abused my powers by sacrificing the public good to my personal aggrandizement, it will be your privilege and your duty to rebuke the bad example by marking its author.

Confident of a correctness of my motives, and relying upon the justice and liberality of my fellow-citizens to discriminate between trivial errors of the judgment, and official misconduct involving impurity of motives and turpitude in action, I shall cheerfully abide the judgment that may be rendered at the bar of public opinion.

Of the policy of the State in relation to developing and improving her resources by the improvement of the natural, and creating new facilities for the agricultural, mechanical and commercial interests of the people, I can say but little within the limits prescribed for this address so far as form and consistency have been given to a system of public works for the improvement of our rivers and the construction of Roads, Rail-ways, and Canals,

the enterprizes that are in contemplation and the resources that have been looked to for their accomplishment, I must refer you to the acts and journals of the Legislature and the reports of their committees and other public agents.

My views and opinions on those subjects were publicly expressed without reserve when I was among you three years since—have been re-iterated in my communications to the Legislature, and so far as opportunity has been afforded they have been verified by my official approval of legislative enactments. The opinions I have heretofore expressed in relation to our numerous contemplated improvements of general or local interest, still remain unchanged; and if I shall again be honoured with your confidence, I shall continue to render my aid and zealous co-operation with your representatives in effecting these important objects.

In the cause of general education I have not been an idle or disinterested spectator, but in advocating it with what ability I possess, I have had to regret that the resources of the State were as yet insufficient for the accomplishment of this most important and desirable object, of placing the means of education at every man's door. This duty of providing for a general system of education, so congenial with the feelings of every friend of civil liberty, is rendered imperative upon our Legislature "so soon as circumstances will permit," by our constitution. Hitherto our circumstances have not enabled us to go further than the application of the income derived from our school lands and the fines and forfeitures accruing under our penal laws. Any measures that can be devised for husbanding and improving these means, and increasing them from other sources until the many thousands of the children of Indiana shall have the blessings of education placed within their reach, shall have my most ardent support, whether in public or private life.

On the subject of the Militia, my opinions also have been made public. That relief so long and so earnestly sought at the hands of the General Government by this and a majority of the States, has not, as yet, been afforded: and until Congress shall interfere, our laws for the organization of the militia will not command that respect from our citizens necessary to a cheerful compliance

with their requisitions. Nor can it be otherwise while the burdens imposed are so unequal. The organization of the militia is for national purposes, and should therefore be a national work. The object being for the general benefit of the people of all the States, the burdens should be equally distributed among the people of the several States. But in some of the States, no militia duty is required, and in others, the services vary from one to fourteen days. Justice requires that Congress should place the militia of the several States upon a footing of equality as to services required, and policy would authorize the number to be trained to be materially reduced. A small portion of the militia of the several states properly trained, and armed at the expense of the National Government, would be much more efficient as a means of national defence than the whole mass in their present state of organization and equipment.[3]

[3] For earlier remarks by Noble on the militia, see above, 57-58, 64. Read also took up the militia problem in a circular addressed to the people of Indiana which appeared in the Indianapolis *Indiana Democrat,* July 25, 1834. He attacked the present militia system as imperfect, and burdensome, and a waste of time. He would approve a system which would "increase the dignity of the profession of arms, and which would satisfy the citizen that he is not playing a farce, in the name of service to his country." Until Congress should provide a uniform system of militia for the United States, he asked "would it not be desirable in time of peace, to dispense with as much of the present defective system as would leave us a perfect knowledge of the number and character of our citizen soldiers, without enumerating them with an observance of its absurdities; for it will not be denied that both Officers and Privates find it an almost utter impossibility to comply with its requisitions in regard to uniforms, arms, accoutrements, and if that section [of the law] which requires an individual to appear on parade, armed and equipped, can be dispensed with by producing a cornstalk or club; why cannot the militia man consider all other provisions of the law equally useless, and observe them accordingly. . . ."

Other points touched by Read in his circular were the Wabash and Erie Canal (which he favored), taxes (advocating a more equitable mode of levying), and reduction of the price of public lands. He also dwelt on the question of a national bank and implied his approval of Jackson's veto. He favored a national bank restricted in power, limited in its issues, and as far removed from political connections as guards and checks could remove it. He favored extinguishment of Indian title to all land in Indiana and improvement of streams and harbors.

Fellow Citizens, I feel confident that you would not witness a controversy between the candidates for the office of Governor of Indiana with the least approbation, and I would most gladly avoid any notice of the ungenerous, if not rude treatment I have received at the hands of my competitor, if I could do so, without admitting, by my silence, the correctness of his repeated charges and insinuations. When before you three years since, I never suffered myself to assail or speak unkindly of my competitors; for the truth of which assertion I now appeal to the public: and if at the ballot boxes you had decided against my pretensions, I should have retired from the field without grumbling at your decision or entertaining one envious feeling towards the successful candidate. Not so with Judge Read. Sore and unyielding to the public voice in my favour, he could not retire to his Land Office, without evincing his restlessness and disappointment by an attack upon me in the newspapers of the day, which you no doubt recollect. This, however, is not the only evidence of dissatisfaction on the part of himself and his friends. The second week after going into office, he was announced in a neighbouring county by one of his confidential friends, who had before nominated him, as my opponent at this time; and in place of sustaining me in such measures as obviously tended to promote the interest of the State, I have encountered their unmeasured and unceasing opposition. Of all this I do not complain, and should not now notice them, nor would I speak of his frequent references to sentiments and official acts, unjustly ascribed to me in his public addresses in March last, but for the purpose of connecting them with the unjustifiable attack he has made upon me in his late circular, of which I shall now speak.

After introducing the subject of the public lands, Judge Read alleges a difference of opinion between us, and in reference to my self, he says:[4]

"The subject of the public lands which lie within our limits, has engrossed much attention, and has frequently been the subject of discussion in our State Councils, and I must honestly confess

[4] The following is taken from Read's circular addressed to the People of Indiana published in the *Indiana Democrat* of July 25, 1834.

to you, that a difference of opinion on this point exists, between my competitor and myself. He has openly advocated the Distribution Bill, which was vetoed by the President, while I am of the belief that the graduation and reduction principle best comports with the interests of this State. His Message of 1832, requesting the Legislature to instruct our Representatives in Congress to vote for the Distribution Bill contains the following language: In speaking of the vote on Mr. Clay's Land Bill he arraigns our members as follows: 'Gov. Hendricks and Gen. Tipton giving it their support, but in the lower House the bill met with opposition, and on motion to postpone it was lost, our *Members* voting with its enemies, when their support would have saved the Bill.' The fact of an Executive of a State arraigning a Member, or three Members of Congress for their votes, was not the only novel and uncalled for course of conduct in reference to this measure, but it was coupled with the remarkable fact that the Governor was altogether at fault as to the vote of the Senators, for it is well known that General Tipton *did not support the bill* as stated by the Governor in his solemn official communication.

"It will be recollected that this Bill provided for continuing the price of the lands at $1.25 per acre without reference to quality or situation, and that it provided that all the States (those which had received and used the public lands for their own purposes) were to be made equal partners in the division of the monies arrising from the sales of lands within the new States, after deducting 12½ per cent over and above the amount secured to these States by compact in proportion to their representation in Congress, whereby the old and populous States would have been permitted to have drawn some 2, some 3, some 5, and some nearly 7 dollars to our one, from this fund, which is paid almost exclusively by citizens in the new States. The slave population of the Southern States being a part of the basis of their representation, would have come in for its share, and every five negroes draw as much as three free born citizens of Indiana. The state of New York with 42 members of Congress would draw 7 dollars, (excepting the per cent.,) while Indiana with nine members would have drawn but little more than one dollar. To this *in-*

equality I was surprised to see the executive of Indiana ready to acquiesce; but I was more surprised to see him willing to place the Eastern and Northern States as Landlords over the people of the West, with every inducement to keep up the price of the lands, with a view both to derive large dividends, and to prevent emigration to, and the settlement of the West."

It is admitted that Senator Tipton did not vote for the bill, as I had supposed, nor did he vote against it; being absent when it passed the Senate. I was misled by his name being mentioned among the friends of the measure by several of the public papers and nine tenths of the Legislature were under the same misapprehension; with this exception the whole of the above extract is replete with misstatements as to facts; and in his attempts to fix upon me certain opinions, and charge me with official improprieties, he has done me great injustice, and I regret to say he has *knowingly misrepresented* me, because he has heard me disavow them.

In the outset, he says "I openly advocated the distribution bill *which* was vetoed by the President," while he believes the graduation and reduction principle best comports with the interest of the State.

Now upon an examination of that part of my message to the Legislature at the opening of the session in Dec. 1832, it will be seen that I offered no opinion unfavourable to the graduation and reduction principle; nor did I speak of the one as being preferable to the other. Here the Judge's over anxiety has led him into a difficulty from which he cannot well escape; for it will be seen that in Dec. 1832, I could not have "advocated" the bill "vetoed by the President," because that bill did not pass until March 1833, and was not vetoed until Dec. 1833, more than one year after my message was delivered! It was the bill which never went into the hands of the President, but failed in the lower House, of which I spoke.

Next you are told that I "arraigned" our members in Congress which was "novel and uncalled for conduct." If my object had been to arraign them at the bar of public opinion for their votes, I must have failed in my purpose, because I said it was not to

censure the members, that they were not less worthy of our confidence on account of their differing in opinion. If "arraigned" I would, however, suppose them fully competent to defend themselves without my competitor *volunteering* his services in their defence near two years afterwards, and at a time when there is so much reason to suspect his motives.

But, that part of the above paragraph which is calculated to excite the greatest surprise in those that understand the subject, is the extraordinary declaration of my competitor when he says "it will be recollected that this bill provided for continuing the price of lands at $1 25 per acre without reference to quality or situation." Here we find the Judge has, without any qualification whatever, stated a fact for which his veracity is pledged, that the bill "provided for continuing the price of lands at $1 25 per acre." And what object has the Judge in making this positive assertion? He can have but one, and that is by the influence and authority of his name to force upon the citizens of Indiana the belief that I am opposed to the reduction of the price of public lands and that he is for it. Now let us compare this naked assertion of my opponent with the only section or clause of the bill that alludes to the price of the lands. It is in the second section, and reads as follows: *"Provided, that nothing herein contained shall be construed to the prejudice of future applications for the reduction of the price of the public lands or to the prejudice of application for a transfer of the public lands on reasonable terms to the State within which they lie, nor to impair the power of Congress to make such future disposition of the public lands or any part thereof as it may see fit."* Here in place of a provision for continuing the present price of the lands, in the bill of which I spoke, you find a special clause authorizing Congress to reduce the price, or transfer the lands to the states in which they lie. And here I wish I could release Judge Read from the suspicion which must fasten upon him—that of intentionally misrepresenting facts for the purpose of injuring me and imposing upon the public; but I cannot screen him, because I read to him in presence of an audience, that part of the bill above quoted, and he well knew there was no provision for "continuing the price of public lands at

$1 25 per acre;" but on the contrary, the right to reduce the price or transfer to the States, was expressly reserved.

The Judge's calculation as to the sums that would accrue to this and other States, is altogether an erroneous fabrication; because the $12 50 out of every hundred received for lands within this State, which the bill gave us as an extra allowance, besides giving us our full proportion of the remaining $87.50, removed all just cause for complaint on our part, on the ground that the slaves are counted as part of the population of the South. And after making these erroneous and uncandid estimates which could only have been intended to deceive the people, the Judge jesuiticaly expresses great surprise that I should "acquiesce in the inequalities;" and affects to be the *"more surprised"* to see me "willing to place the eastern and northern States as LANDLORDS over the people of the west." This artifice is too shallow. The Judge will find that the people of the State are not so ignorant as to be duped in this way. They know that all the States of the Union are now the joint owners of the lands, and that the proceeds go into the common treasury and are appropriated with the other revenues to the national expenditure, without any reference to the place where the lands are situated. How the allowance to us of $12 50 out of the price of every 80 acres of lands sold and our full proportion of the remaining $87 50 would make the people of the northern and eastern States more our "landlords" than they now are, will puzzle the Judge to tell; as much so as it would to explain how, under the present system, or on the plan of reducing the price, the slave population of the South are or will be excluded from their constitutional rights or influence in the appropriation.

The bill for distributing among the several States the proceeds of the sales of the public lands, after giving to the new States 12½ per cent. in addition to the 5 per cent. now secured by compact, for the use of roads, proposed to divide the residue according to the representation in Congress. To this the Judge objects, and says it is unequal. If it be wrong to give Ohio with her 21 members in Congress, more money than Delaware with three members, then it is equally wrong to allow Ohio 21 votes

for President and Delaware but three. And Ohio with her 109,000 militia, in time of war should furnish no more men or money for its support, than Delaware with only 8,000 militia. This logic of the Judge will not answer. In political matters, the people must count and be counted in the distribution of favours as well as in the imposition of burdens.

Two or three years since, Gen. Jackson proposed, in one of his messages to Congress, to divide the surplus revenue derived from the sales of public lands, as well as from duties on goods, among the several States upon the same principle of distribution; and that too, without making any deduction in favor of the new states wherein the public lands were situated, or any allowance for the slave population of the South. This proposition no doubt met with Judge Read's cordial approbation, but he now objects to the land bill which proposes a distribution upon the same plan, of the residue after deducting for our benefit $12 50 out of every hundred dollars. It would seem from this, that the Judge has grown wiser than Gen. Jackson, since he has become desirous to leave his Land Office and crowd me out of the situation wherein the kindness of the people has placed me.

During a residence of near twenty-four years in Indiana, I have known hundreds of thousands of dollars annually paid into the land offices. In this way the money has been constantly drained from the country, and carried over the mountains never to return again to keep up the price of our wages, our produce, or our lands. For the last ten years, Mr. Benton, aided by other western members, had been making unwearied efforts to procure a graduation and reduction in the price of public lands. In the spring of 1828 at his instance, a call was made on all the Land Officers in the United States for their opinions. I was then in the Land Office in this place, and in my report, (which I now publish) dated Sept. 1828, I was one of the few among all the Land Officers that concurred with Mr. Benton's views. Finding that the efforts of the western members had failed, and that Congress had repeatedly and decisively refused to reduce the price, I thought it better to take the money upon the plan of distribution, our proportion of which would amount in five years to one million

of dollars, than to struggle five or ten years longer with little or no hope of procuring a reduction; during which time the sales would be going on, and the money carried away and expended on the sea-board, leaving us neither money nor cheap lands— It was only for five years that it was proposed to divide the proceeds, and the amount that would accrue to us during that period, if placed at interest, would produce $60,000 per year, which would be $20,000 more than the present expenditure of our state government.

For these reasons and seeing that the bill expressly reserved the right to reduce the price or transfer the lands if Congress chose to do so, I advised the Legislature to take the money. And subsequent events have shewn that my apprehensions as to the failure of every other proposition, were well founded. Between two and three years have elapsed since the bill was first introduced, and as I anticipated no graduation or reduction has been made. The last session of Congress was seven months long; our members in both houses are in favor of reduction, and are anxious to serve the people. Why then could they not press a bill reducing the price through either house? The answer is at hand: both houses are decidedly against the measure, and would not after seven months importunities by our delegation even consent to enter upon a discussion of the subject.

In confirmation of my own views, I here subjoin the opinions of Gov. Hendricks upon the subject, published in his Circular at the close of the session of 1832-3.[5]

"The Public Lands, seem to be a never-ending source of trouble. For the last ten years, propositions have been made and renewed every Session, to reduce their price and especially in the old Districts, where they have been long in market and remain unsold. Propositions too, to graduate the price according to quality, and to give advantages to actual settlers, have as often been made,

[5] This excerpt from Hendricks' Circular had been printed in the Indianapolis *Indiana Journal,* March 23, 1833. The *Journal* said at that time, "We never could see the wisdom of the policy pursued by many of our politicians in refusing to take a part of the proceeds of the public lands because we cannot get all." The bill herein described by Hendricks was the one pocket vetoed by President Jackson.

and as often rejected. On this subject a preponderating power of the old States is against us, and the policy of giving to the new States a larger per centage upon the sales, and of dividing the residue of their proceeds among the several States, is the only thing practicable, either at present, or in prospect. Accordingly the bill which passed the Senate last year, has again passed both Houses. It gives to the new States twelve and a half per cent. upon the money received in each, in addition to the five per cent. heretofore received, and divides the residue among all the States, old and new, agreeably to their Representative population; the whole to be applied by the Legislatures of the States, to such objects as they may think proper. The quantity of 500,000 acres of land for internal improvements, is also granted to such of the new States, as have not heretofore received grants for such purposes, and to such as have received in such grants, a lesser quantity, that deficiency is made up. The bill expires by its own limitation in five years, when the old system of paying the money into the Treasury will revive, unless other provisions be created by law. The distribution plan to be commenced from and after the 31st December last. In estimating this bill it ought to be borne in mind, that in contending for that which we prefer, but have no prospect of getting, we are losing every year large sums, which this bill would give us, and it is not an unreasonable calculation, that this bill will in five years, be worth to the State of Indiana, a million of dollars."

For the purpose of affecting me, I know that efforts have been made to turn the land question into a party question; but it was not one when I named it to the legislature, whatever it may now be considered. It was during the winter before last, and after I had called the attention of the legislature to that subject, that the land bill passed both houses of Congress. In the Senate the majority was large. In the House of Representatives where a large majority of the members were friends and supporters of the present administration, only forty members voted against the bill, some of them the friends and others the opposers of Gen. Jackson; and of the ninety-six who voted for the bill were to be found men belonging to both political parties, and yet you have been told it

was a party question. Gen. McCarty whose successful exertions in support of Gen. Jackson at both elections, were not exceeded by those of any other man in the State, after failing in his support of the bill for reducing the price of public lands, gave to this bill his support and in his circular gave his reasons which were satisfactory to his constituents.[6]

We have heard much said of the late about reducing the price of lands to "actual settlers," and reducing the price of the "refuse lands" to enable the *"poor man to get a home."* We have in Indiana 50,000 families who are settled on their own lands, most of whom have endured the hardships and encountered the fatigues incident to the settlement of a new country. By the exertions of these men, who have borne the heat and burden of the day, a recent wilderness has been converted into a cultivated and plenteous country. These men are not prepared to sell out and again become settlers on new lands, nor could they sell if they would. How would a reduction in the price of lands to "actual settlers" operate for their benefit or advantage. Such a measure would operate for the benefit of only such of our citizens as are not owners of land, but principally for the benefit of the citizens of other states who should become "actual settlers" among us, and enable them to get lands at reduced prices. It would seem to be just that if any one of our present settlers should wish to purchase an addition to his farm, or a tract for his son, that he should be permitted to enter it as cheap as citizens from other states who might become "actual settlers."

[6] The *Indiana Democrat* took a cynical view of Noble's attitude toward Senator Hendricks and Congressman McCarty. "Time was," it said, "that Noah Noble did not compliment Jonathan McCarty, and that time was, when the office of United States' Senator, was not to be gained by unnatural and corrupt coalitions, and by the abandonment and sacrifice of principles. Does Noah Noble believe in the opinions of Senator William Hendricks, on other points of policy in national affairs, with as much faith as he pretends to have in his land views, and would Noah Noble be willing to see William Hendricks re-elected to the United States Senate? Compliments are only words, and the people of General M'Carty's district, as well as Mr. Hendricks' friends, will see what will be the manouvres of this complimentary Governor, if he can twist himself into a situation where he can conveniently tamper with the Legislature, at the next Senatorial election." Issue of July 26, 1834.

The refuse lands ought to be reduced, not that the *"poor man only may get a home,"* but that the farmer adjoining may enter them at their value for timber or pasture. The poor man wants good land as well as the rich. Because he is poor, are the *"refuse lands"* good enough for him? I think not. He does not want the "slashes," the "greenbriar," nor the "Whitefaced" lands. He wants a land on which he can support his family.

When this land question is settled, I hope to see it done upon such principles as that our present settlers shall not be excluded from the benefit of the reduction, because they are not prepared to remove and become settlers on new lands; nor do I wish to see the *"refuse lands"* only placed within the reach of the "poor man," but open to the reach of all.

Judge Read, in his anxiety for success, having voluntarily and without provocation become my assailant and forced upon me the necessity of appearing before you in self vindication, I will, whilst upon my defence, notice some other equally unprovoked misrepresentations that I would have passed over in silence but for his recent attacks, which were made in my absence and when he knew I would not have an opportunity of making a reply.

In his address delivered in Salem on the 5th of April and published soon after in the paper of that place (which is not contradicted by him) for the purpose of disparaging me and elevating himself in the estimation of his audience he made it convenient to say:

"He considered this section of the country entirely overlooked, as far as his knowledge extended, especially in the annual recommendations of the present executive. Mr. Read considered this part of the state entitled to equal attention, and as large a share of the three per cent. fund as any other portion—that as much money had been paid by it into the land office. He next referred to the species of legislation, that a few years ago, logrolled Washington county out of one Representative to which it is justly entitled. The Michigan road next claimed his attention. In every instance, he said, his vote was given to sustain the interest of this section of the State.

"He (Mr. Read) disclaimed all idea of getting votes on party grounds. If elected, he wished to stand on his own merits. Party strife, he said, has been entirely absorbed by local influence. In portions of the state Jacksonmen would vote for Governor Noble —in others Clay men would vote for James G. Read."[7]

The language employed in bringing forward this charge does not admit of cavil, all disguise is thrown off, and standing forth as my accuser, he tells his audience that their Executive (his opponent) had "ENTIRELY OVERLOOKED" their interests. He did not deign to say *what* interests had been overlooked—that might have been difficult to do—but he more adroitly followed up the charge made on me with the declaration that HE, whilst in the Legislature, had "in every instance given his vote to sustain the interests of *that* section of the state." For the better understanding of this subject I will here remark, that, from information received, I was satisfied the $20,000 we annually receive of the three per cent. fund was too small to do much good when divided out among seventy counties, and that the expense of laying out these small sums takes more of the fund than would pay the interest, and therefore, at the last session, I made the following suggestion to the Legislature:

"For the promotion of our agricultural interests, and to improve our commerce, would it not be desirable for the state to obtain a loan of from one hundred to one hundred and fifty thousand dollars, for fifteen or twenty years, at an interest of four and a half per cent. to be applied to the improvement of the Wabash and White rivers, and to the State roads from the Ohio river through Princeton to Lafayette, from Louisville to Vincennes, from the same place to Indianapolis, from this place

[7] Speaking in Indianapolis apparently Read followed another tactic. "The object of Mr. Read's speech at Salem," the pro-Noble Indianapolis *Indiana Journal* commented, "was to unite all parties on *local grounds,* and the object of his speech here was to prevent the operation of local feeling and to obtain a *party vote.* This would have been quite ingenious if he had not permitted his Salem speech to be published. As it is however his ingenuity is overshadowed by his inconsistency." Issue of July 7, 1834. For a report of Read's Salem speech see *ibid.,* April 19, 1834.

to Crawfordsville and Lafayette, and from the seat of Government to Rushville, Brookville and Harrison, *and upon such other principal roads as will interest all the counties, and most subserve the public convenience.* To meet the accruing interest and extinguish the debt without making the state treasury liable for either, you may set apart the three per cent. fund amounting for the last years to twenty thousand dollars annually, as a sinking fund to be applied to the payment of the debt."

Here then you perceive that for the sake of illustrating my views I named the White rivers, Wabash, and *only five roads,* evidently not intending to enumerate *all* the roads entitled to the money. That I could not do for the want of correct information, and therefore I left it for the Legislature to make the selection; but after naming the five roads I added, "AND SUCH OTHER PRINCIPAL ROADS AS WILL INTEREST ALL THE COUNTIES AND MOST SUBSERVE THE PUBLIC CONVENIENCE." This latter clause should have saved me from so serious a charge as that of "overlooking" the interests of any portion of the state. Besides this clause it so happens that of the five roads named two of them (the one from Louisville to Vincennes and the one from Louisville to the seat of government) interest the people before whom he was decrying me. This however was not sufficient to shield me. His object was to find fault, and if I had named the roads from this place to Madison, Lawrenceburgh, Richmond, Terre Haute, and Logansport, he would have said these roads had been provided for, that they were to monopolize all the appropriations, or that I was partial.

Were I not to be the sufferer I would say nothing calculated to deprive the Judge of the *modest* claims he has set up to the *gratitude* of the people of "that section" whose interests he said he had sustained "in every instance" by his vote whilst in the Legislature. It was very kind in him to take charge of their interests and he a member from another county, and it may be well for the People of Washington county, now that he is out of the Legislature, to take warning and not send another *stupid* set of Representatives who the Judge says were "log rolled" out of their rights. But to be serious, the Judge in setting up his

claims upon the people of "that section" on the ground that he by his votes had sustained their interest, is as much mistaken as he is in trying to fix upon me the charge of "overlooking" them, and surprising as it may be, it is nevertheless true that after voting with the Washington delegation for three members for that county in apportioning representatives he afterwards voted for Mr. Long's compromise depriving that county of the member he now says she was *"log rolled"* out of. And as to the Michigan road for which he claims so much credit in his speech, he voted against Mr. Herod's proposition to take it in by Columbus, against Mr. Slaughter's motion to take it by Franklin, Vernon, &c., against Mr. Howk's motion to take it to the Falls, and gave many other votes directly *against* the interest of "that section" which he professed to have sustained "in every instance," and among others he voted against the bill applying $650 to the Indianapolis and Madison state road (laws 1830 p. 144.)[8]

My competitor, not satisfied with his unprecedented efforts to get up an altercation in the instances referred to, is trying also to revive a question, both sides of which he aimed to turn to his own advantage at the last election—I allude to the Wabash and Erie Canal. When we were before the people I heard him make a speech in one of the Wabash counties giving the strongest pledges for its support. In going to the eastern counties, a few weeks after he had gone through, I was surprised to learn that he had, in some counties where the canal was deemed a dangerous enterprise, passed the question over in silence. That circumstance however created but little suspicion or doubt of the permanency of his sentiments until I afterwards learned he would get support on the ground of his opposition to the canal, and as an evidence of

[8] A great many votes were taken before the southern terminus of the Michigan Road was finally fixed at Madison, and it is difficult to determine whether Noble was completely fair to Read as to the latter's position in regard to the road. Noble refers here to the debate in the House during the 1829-30 session when Read opposed changing the route from Indianapolis to Madison via Greensburg. In the one instance, after the House voted to strike out Greensburg, he voted for inserting Columbus in place of Greensburg. He did vote against the appropriation mentioned here. See the *House Journal,* 1829-30, pp. 265-66, 270-71, 277-79, 397, for Read's vote on these various motions.

the fact the Salem paper was put in my hands containing his speech at that place in which he said *"that while in the Legislature he had been instructed to vote for the Wabash and Erie Canal provided it did not tax the people, and in doing so he had obeyed his instructions; but if elected Governor he would be free from injunction of the kind, and left to act for the good of the whole state. He could not advocate the opening of the canal, unless the general government would consent to do it, in which case he should be in favor of it."* This speech of my opponent, excusing himself for voting for the canal on the ground that his constituents had *instructed* him to do so, was circulated through all the counties opposed to the canal and the Judge, without contradicting it in either of the four newspapers in that section, allowed it for many weeks, while in the same section of the country, to be pointed to as containing his sentiments. But there is evidence that must put to flight all doubt of the correctness of this speech. It was made a long while before the election, and if misrepresented as he *now* says he was he should have corrected it as he afterwards passed through that neighborhood. This he did not do, but suffered it to pass as his sentiments where the canal was unpopular, and while in an adjoining county, just before the election, he secretly sent a handbill to Indianapolis, got it printed, and sent it out by runners to the Wabash to be distributed in *that* part of the state the Saturday and Sunday before the election. In the handbill to the Wabash people, he declared himself the unwavering and unbending friend to their favorite work, referring them for proof to the votes which at *Salem* he declared were given because he was *instructed* to do so; but he took care that none of these handbills were seen south of Indianapolis where his speech had been circulated. On the day of the election, while the people of the Wabash were reading his handbill in favor of the canal, the Judge was addressing a large assembly in Salem but did not *there* question the correctness of the speech previously delivered and published, and while on the stump Mr. Rodman handed him the Journal and asked him to explain a vote for the canal going beyond the instructions he had spoken of, but the Judge refused to do so, telling the people that man was not his friend.

It is too late now to revive this question to affect me or to reconcile his double set of canal opinions by disowning the speech I have copied. He should tell why he was silent in July, and thus permitted the people to be deceived by his printed speech? Why he did not select one of the four papers to correct it, in place of *secretly* sending runners to the Wabash with hand-bills which he *dare* not allow to be seen in the counties where his speech was known? Why he did not declare himself the friend of the Canal at Salem on the day of election, nor contradict the published speech he had previously delivered?[9]

In the sentiment to be found in the closing paragraph of his late Salem speech above quoted, in which he "disclaims all idea of getting votes on party grounds, relying on his own merits alone," I most heartily concur, and it is upon that principle I wish to be re-elected, upon it I have practised, and in the appointment of more than ninety persons some more than half are of opposite politics to my own. To the gratuitous charges, that I seek a re-election on local grounds, that I am more favourable to improvements on the White River and Wabash than elsewhere, that I am partial to the people in the east, upon the Brookville Road, upon the Louisville and Vincennes route, at Madison, &c., I oppose a positive denial. I know no difference among my fellow-citizens, and that all may understand me, if re-elected the claims of no portion of the State will be acknowledged over another. In the northern part we have a canal, and lands to complete it—we have Indian titles to extinguish—territory to be laid off into counties, organized, and brought under the laws. In the South we have none of these, and in naming these to the Legislature that they might be prepared for the new population, instead of

[9] In his speech at Indianapolis on May 31, the *Democrat* reported Read as saying that he had been misrepresented with regard to the Wabash and Erie Canal, that he had always been in favor of the great work, and "believed that there was but one voice throughout all parts of the State, that it should be completed." Issue of June 7, 1834. In a letter to Nathaniel Bolton, editor of the *Democrat,* dated February 21, 1834 (printed in Lawrenceburg *Indiana Palladium* on March 8 from the *Democrat*), Read asserted that he had always been a friend of the Wabash country and of the Wabash and Erie Canal and the canal had received his zealous support when he was a member of the legislature.

neglecting the southern counties, I supposed by increasing our population, the burthen of taxation would soon be lessened to them.

Not having conformed to the political usages of the State, by making a tour of the State to pay my respects to my fellow-citizens of each county, and having learned that causes prevented my doing so are not well understood in some portions of the State, I avail myself of this occasion to explain by saying to my friends and others, that the Legislature requested my aid in superintending the State House now building at the public expense of $56,000, the materials and workmanship of which should be almost daily inspected.[10] Finding I could not leave home this summer without disregarding that and other public duties, I met Judge Read at Franklin the 2d day of April, and renewed the proposition, that we should return to our public duties, he to his Land Office and I to those devolving on me as your Governor. To induce his consent, I gave him the benefit of his previous addresses, with the right of filling his appointments then made at Salem, Corydon, &c., to which he agreed, each of us reserving several privileges. In making this offer to my opponent, it was not with an intention to neglect you, but to enable me to give my attention to your business; and having once visited you, and your being acquainted with my opinions of public policy, I thought the best evidence I could give of my zeal for your prosperity, would be in devoting my time to your interests.

Since I was selected by my fellow-citizens to preside over the State, it has been my constant desire to sustain and promote your interests and welfare. If in the discharge of my public duties, you think me competent and faithful, I will gladly remain in your service another term, and should you permit me to do so, I shall aim in retiring from the office of Governor, to carry

[10] The Indianapolis *Indiana Democrat* could not let this statement go unchallenged. The editor said that he had been informed that the Governor had gone to the new State House but once that season, and in fact, upon this occasion the architect had not even recognized him. The Governor, it said, "probably received answers to his questions very foreign to the true state of the work going on, as the workmen are much troubled by inquisitive visitors." Issue of July 25, 1834.

with me your good wishes and approbation, a reward that can only be secured by faithfulness and good conduct.

N. NOBLE

INDIANAPOLIS, July 15, 1834.

[The following was attached to the above.]

"RECEIVER'S OFFICE, INDIANAPOLIS, 29th Sept. 1828

The public sales were held in October, 1820, in July and August, 1821, and in September and October 1822; during these months 237,173.83 acres were sold at an average price of one dollar and forty-four and a half cents per acre. The remaining 570,227.52 acres were sold at private sale, from October 1820, to 30th June 1828, for the *minimum* price. Supposing the *excess* of the fractional sections will equal the deficit of those that fall short of the usual number of acres, the quantity of land remaining unsold on the 30th June last, may be computed at 1,842,101.65. That I may be enabled to give what I conceive to be the *"probable average value"* of the unsold lands, I will make five equal divisions of them: in doing which, I take into view the soil, their contiguity to mills and other sites for water machinery, water courses, public roads, and the seats of justice of the several counties within the district. One-fifth may be called *first rate,* well worth the Congress price, and worthy the attention of the agriculturalist. One-fifth may be called second rate; as to its value, it is not equal to the *first rate,* though in process of time, when the sales have diminished the quantity of first rate, may bring the *minimum* price. The remaining *three-fifths* will not, in any reasonable time, bring the government price. One portion may be estimated at 75 cents, one at 50 cents, but the third is *unfit* for cultivation, and without value."

Signed, N. Noble"

Noble to the Public[1]

INDIANAPOLIS, Saturday, July 26th, 1834.

TO THE PUBLIC.

Of my competitor, Judge Read, I am compelled again to speak in my own defence, and I again ask you to hear me. In his note to the public, of the 9th inst.,[2] to cover his violation of our writ-

[1] Indianapolis *Indiana Journal,* July 26, 1834.

[2] This is printed in the Indianapolis *Indiana Journal,* July 26, 1834:

"*Jeffersonville,* July 9th, 1834.

"To the Public.

"Some time in April last, Gov. Noble and myself entered into a written article, relative to the approaching election. We separated at Franklin, with an understanding that the Governor was to go home and send on notices to a number of counties north of Indianapolis, that we would address the people in that section in the month of May.—Agreeable to our verbal appointment I went on to join him in our contemplated tour, as many on the road from Jeffersonville to Indianapolis know—but on my arrival at Indianapolis I was astonished to find that the Governor had sent no notices. I have since been satisfied, that his only object was to delay the northern tour, in order to take advantage of the battalion muster nearer home. I then returned home, after entering into a new article.—Each of us reserved the right to visit certain counties, merely as a family visit, without making any political efforts. In the county of Dearborn, where I had a right to visit but to make no political effort I actually avoided a battalion muster, though held in a few miles of Washington, where I was at the time, and also, in travelling to Indianapolis, I avoided several battalion musters, and in fact have attended but one battalion muster this season, and that in Marion county, where he was present; but in the counties where he, according to our written contract, was at liberty to make a family visit; but in no case to address the people, he did actually, in one county, attend three or four battalion musters, and, in another county, attended several battalions, and publicly addressed the people, contrary to the aforesaid article; and I have a certified statement of this fact, by a highly respectable gentleman of that county.—And a few days ago, a friend wrote to me that Gen. Neely of Princeton, had last week received a letter from the Governor, in which he stated that he expected to visit that section of the State. With these facts before me, I thought it due to myself and friends, (as the contract was broken) to set sail, and as Davy Crocket says, 'First ascertain you are right—then go ahead.' For the truth of the above statement, I pledge myself.

"Respectfully,

"J. G. READ"

The Indianapolis *Indiana Democrat* naturally supported Read in his contentions that it was Noble who had violated the agreements: "Noble

ten agreement he aims to raise a new point for controversy, but he shall not escape that way. He says by an "understanding" at Franklin I was to send out notices of addresses to be delivered by us in the counties north of this place—that he had come on to this place according to our verbal appointment, and was "astonished" to find no notices had been sent out. *It is not so.* I made no "verbal" agreement with him, every particular was committed to writing. Look at our printed agreement of the 2d day of April at Franklin, with the supplement endorsed on the back of it, and you will find I had no right to go to the counties north, until he would agree I should do so. You will find also that he had taken all the month of April to determine whether we should go to those counties or not, and that you may well understand the subject, I will give you the contents of his letters written to me upon his return home, and after he had determined we should make a trip to those counties.

"JEFFERSONVILLE, April 7, 1834

"I have concluded to visit the Lake counties, you will therefore name in your notices, that I will be with you, and in doing this I shall not be able to visit Daviess county, in April or May, but will in June. I should like to visit Logansport and Frankford, I have an anxiety to see Logansport particular, as a better opportunity may not shortly present itself, I wish to make no political effort, and you will be with me, please write me immediately—in haste.

"Your ob't serv't.
"J. G. READ

"Gov. Noble."

attends the battalion musters in Lawrence, writes that he expects to visit the South western part of the State, and makes public electioneering addresses to the people. While Judge Read was depending upon the word and honor of the Governor, and was at home in Jeffersonville, the Governor was making speeches or talks to the people on Eagle Creek near the Boon County line. . . ." Issue of July 26, 1834.

In turn, the *Journal* declared it was Read who had broken the agreement, saying that it understood that his notices of speaking engagements were being circulated in as many counties as he could reach before the election. "What can the people think of the honor of an individual who

And here let me ask, if true as the Judge alleges, that I promised to send out notices when we parted at Franklin on the 2d day of April, why did he require all that month to determine whether we should go to these counties or not? and if "verbally" determined upon as "he says on the 2d day of April," why did he write this letter on the *7th day* of the month telling me he had on *that* day concluded to visit the Lake counties? and if on the 2d day of April I had promised to send out notices for both of us, why did he on the *seventh* day of the month ask me to send notices for him with mine and write him "immediately"?

Next you are told the people on the road from Jeffersonville to this place, knew that he was coming here to join me in our trip to the north. And how did they know it? Not from him, for he did not travel that road, but at the sacrifice of his word, travelled two days out of his way into Orange, Lawrence, Monroe and Morgan counties, stopping at log-rollings and other public meetings. This he dare not deny, for the people will recollect his passing through those counties in the latter part of April, for which no authority is to be found in our agreement.—This was before I went to Rush or Lawrence, and to excuse this disregard of his word, and prepare the way for another breach, the Judge and two or three individuals here have spared no pains in getting up a charge against me, but they have failed to sustain the charge by proof.

The remainder of his note to the public is a garbled account of our agreement, and a misstatement of facts as regards myself. I have not written a letter to Gen. Neely, or any other person, saying I would visit that or any other section of the state. Gen. Neely never said I did write such a letter. The further allegations are untrue in every particular. I committed no breach of my agreement in Lawrence or Rush. In visiting the counties reserved for each, we had a right to go to any place in the proper counties, without any kind of restriction, as will be seen from that agreement. It will also be seen that we were not restricted as to our own counties—each of us have addressed

will thus violate a solemn engagement? . . . But one answer can be given —He has become desperate. . . ." Issue of July 26, 1834.

our own countymen. Elsewhere than to the counties named in our agreement, I have not been—if I have I invite the people to go against me, or if I went beyond my agreement in Lawrence or Rush, I do not wish to be spared. If the Judge is in possession of the "certified statement" of a respectable man, let him produce it, but I trust he will not prop his own word with any more certificates obtained like that of Stillwell's.

There is one fact to which I will ask the public attention. This note of the Judge's is dated the 9th of this month, but has not been published until yesterday; and why this trick? Why date it back to the 9th of the month, when he, in the mean time, has slyly visited all the counties south of White River and up the Wabash to Terre-Haute?

I repeat I had no verbal agreement with Judge Read. I had reason to distrust his word, and having established the falsity of his note above, by his own letter, the public can judge of his claims for truth after having pledged himself for the correctness of his statement.

N. Noble

John Cowgill to Noble[1]

Green Castle July 27th 1834

Dear Governor Yours by this day's mail is just received; and I received it a few minutes to late to make required examination. I called upon the acting p. m. here and wished to learn from him, if the packages mentioned in your letter to me had passed, he said he cou'd not tell me. We have suspected the office here for villiany of this kind, but have not yet been able to establish it upon them. You will please notice that your circular to Col. Sigler is not received by this day's mail. We have it, but got it through the Wabash Courrier; and will have three hundred copies struck by to morrow at 12 oclock. It is my intention to distribute in person, and through the aid of my brothers 150, or 200 copies in the county of Owen by thursday next. I believe the attempt to prostrate you through the medium of the

[1] ALS. ISL: Indiana State Library, Noble Papers.

P. office will be unsuccessful. You may rely upon my best exertions here and in Owen county to thwart the base and villianous purposes of your post office opposers.

I did not intend to have mentioned the subject of the prosecutorship to you again[2] before you shou'd have made the appointment, but for some facts that have been brought to me by Col. Sigler; and are in your letter now before me, that rather surprised me than otherwise. Col. Sigler informed me that Mr. Hester had written in favor of Mr. Huntingdon and from your letter I learn that he is expecting the members of the bar at Spencer to write in his behalf. Now if he gets Eckles & Adams to write in his favor he will very much surprise me indeed and I shall also be assured there is some new arrangement among those gentlemen. I know Mr Eckles promised me most positively if he did write it shou'd be in my favor & I have his letter now in my possession to that effect. I shall probably see Eckles & Adams on to morrow or next day in Spencer as I expect to be there. I will also state Mr. Adams also promised both my brothers in Spencer that shou'd he write it wou'd be in my behalf. From existing circumstances I believe there is some studied arrangement to defeat me, for fire & water wou'd exist in union as comfortably, as my friends Huntingdon & Hester Give full consideration to my pretentions under the circumstances, and with you (rise or fall, sink or swim) I *know* I shall be perfectly satisfied.

I have understood from Col. Sigler that it was some what in contemplation that you shou'd be here on the day of the election. I wish you wou'd. Reed has violated every stipulation contained in your arrangement with him; and I wish to have your claims to the office of Governor honorably sustained in this county. Every effort will be made by your friends here. There are secret and low machinations now going on against you, they must be met and exposed. I believe you will succeed well in this county

I am, dear sir, your sincere friend

Govr. Noble John Cowgill

N. B. You have written my name James Cowgill in your last two letters, which you will in future correct by the above. J. C.

[2] See above, 234-35, and note.

Henry Slavens to Noble[1]

Rockville, July 29th 1834

Dear Sir, Judge Read was here on yesterday in accordance with his previous appointment, and made a speech to as many as could be prevailed on to attend.— He bore hard against you. He contended that it was you who had violated the written agreement— He offered the testimony to prove which you will see published in his circular which I send you. It was printed here. We had just received five or six copies of yours in reply to Read's Salem circular. He made a great effort to raise the Jackson fever. Misrepresented Clay's Land Bill, and stated that U.S. B. had positively refused to let the committee examine into the affairs of the Bank— This we know to be false. He stated that you had not been to see any [thing] about the state house but once this seas[on] that it was only an excuse on your pa[rt] but I need not say more about what [he] did say—you know without my telling you. My principal object in writing is, to send you the circular he had printed here— It is impossible to say what extent the question will be made to operate— I yet think you will beat him [in] this county—I send this letter part of the way by private conveyance so that you may get it on saturday morning— Excuse the bungling style of this letter, for the person who carries it, is waiting while I write—

I am, as heretofore

Henry Slavens

Hon. N. Noble
[Postmarked:] Dicksons Mills Ia

John B. Chapman to Noble[1]

Goshen Ia July 30th 1834

To His Excellencey, Noal Noble,

Sir having become a candidate for the Legislature[2]— I take

[1] ALS. ISL: Indiana Division, Noble Papers. Slavens was a justice of the peace in Parke County.

[1] ALS. ISL: Archives Division, Secretary of State file.

[2] Chapman was elected to the House of Representatives from the dis-

this Oppertunity to offer you, my resignation as prosecuting attorney—for the Eighth Judicial Circuit—in offering my resignation you will please to excuse my [not returning my] commission at this time as I have laid it by, some distance from me at present—

And Sir on resigning my commission of prosecuting attorney of this Circuit,—I will take the present Oppertunity in *Recommending* to your notice and I hope first consideration: Joseph L Jernegan of this place—He is a Lawyer of clasical education and whoes honorable standing in society, merits attention from every friend of *tallents,* and *worth.*

Mr Jernegan is a young man in life; with a small family—depending upon a precarious profession—a perticular friend of *yourself;* and all other honorable men—and in whoes gentlemanly deportment, I think, you would be will pleased—and any attention you may pay to his claims will be thankfully received by me

Your Most Humble and Obedient Servant

J. B. Chapman

[Endorsed:] Saml. C Sample[3] is appd. Pros Atty in place of Chapman

N. Noble

John Scott to Noble[1]

Terre Haute Augt. 1, 1834

Dr. Sir While I have been engaged making up the mail this moment, I have discovered your request of the Post Master of this place to inform you whether your Circulars have passed thru this office to their destination south.— I have just asked him the question— He says they have and I presume they did—as I have

trict comprised of Elkhart and La Grange counties and adjoining territory and served in the 1834-35 session.

[3] Sample served as prosecuting attorney until July 5, 1836, when he was appointed president judge of the Eighth Judicial Circuit. At that time Joseph L. Jernegan was appointed prosecuting attorney. *Executive Proceedings, 1816-1836,* pp. 309, 311.

[1] ALS. ISL: Archives Division, Governors' Correspondence.

some recollection when I opened the mail as assistant for this time—

Respy your obt Servt

Jno. Scott Asst. P. M.

Gov. N. Noble Indianapolis

David Craig to Noble[1]

New Albany August 13th 1834

Dr Sir I write from this place as I am here on a visit to see my daughter. I have to inform you that Reed beat you 75 votes in Harrison in Clark about 200 & you beat him in Floyd 291 & Crawford 300 in Perry you are ahead & in all the river counties except Warrick where Boone lives. Dr Mitchell carried Reed ahead among the dutch Jackson men & Col Poseys influence with the dutch our old friend Dennis got beat for sheriff 49 votes by Shields which you will see by the returns Leslie & Wilson is elected Thomas was a candidate & run close about one hundred behind. I have no doubt you are elected by 5000 & upwards of a majority[2]

[1] ALS. ISL: Archives Division, Governors' Correspondence.

[2] See below, 608-10, for the official returns of Noble's and Wallace's election. The *Democrat* made the following comment on Noble's election: "The friends of Andrew Jackson have with their accustomed magninimity, elected a Governor and Lieutenant Governor, who will not deny that they owe their election to citizens whose political sentiments are opposed to theirs. This is more than is customary with the Claymen, and we freely admit that the Democrat has been disappointed and we fear that our friends will have cause before all is ended in relation to this election, to regard this evidence of their confidence, in the men elected. The election of men of different politics in many of the counties which gave majorities for Noble shows that the question 'was not made and that the line was not drawn.' In Marion, Brady [Henry Brady, elected state senator] and Noble each received more than 200 majority, and Brady and Noble are upon different sides of the presidential question. In Shelby and Decatur the same result is shown. . . ." Issue of August 8, 1834. In an editorial a week later the *Democrat* attributed Noble's election to the fact that he was the incumbent, had a great amount of personal popularity, was indefatigable in electioneering, "the fact being . . . that no man in the State could have been found who was able to beat Governor Noble."

I wrote you last winter a letter concerning the office of Notary Public. Mr Jacob W Kintner has heretofore acted and his commission expires on the 16th of this month and Col Posey will not have me to do any business for him as he says I have not taken the oath in proper time[3] Nor will Posey let me do any business for the pensioners if there is any other appointed & I expect he will try & get Kintner again reappointed, & Kintner is post master which is thought here to be unconstitutional to hold the two offices. I wish you would send me an other commission for Notary Public with a Bond filled up & I can have executed & returned to Secty office before the 4th of next month. I would wish to have it & then Col Posey can have no excuse, if there has been any other appointed or will be appointed to the office of N Public it is not worth your trouble to send me a commission. but if none is appointed but myself it will be a very great favour indeed to send me one[4]

I am Sir your friend Sincerely &c

DAVID CRAIG

[Endorsed by Noble:] Appted as requested N NOBLE

[Endorsed by Secretary of State:] Issd 22d Augt 1834

William B. Slaughter to Noble[1]

WHITE SULPHER SPRINGS [Virginia]

Aug 29th 1834

DEAR FRIEND, I have been truly gratified to hear of your distinguished success over your unworthy competitor. Many here attribute your success to the decline of General Jackson's pop[ularity] I have considered it due to you as well as to truth to correct that impression by stating as I believe that you are

[3] Thomas Posey, United States pension agent.

[4] David Craig had been appointed notary public on January 18, 1832, but had failed to qualify himself for the office. He was appointed again on August 16, 1834. *Executive Proceedings, 1816-1836,* pp. 458, 459. For details concerning Craig's first appointment, see *John Tipton Papers,* 2:564-65.

[1] ALS. ISL: Indiana Division, Noble Papers.

indebted to your own merits which were sufficient to triumph over all opposition.— What has become of our friend Van —Ant— Werp. I have heard nothing of him.— There is a great deal of political excitement in Va & in all the South— There are many distinguished men here with many of whom I have become well acquainted.—Among them McDuffie who is a mild, modest, unassuming gentleman.—[2]

They all seem to think that the opposition cannot unite on any one man.— The South must have a Nullifier, the North will not support him.— I predict they will be compelled to taken Van as the choice of evils.— I do not know when I shall be required at Green bay—perhaps not until the spring.—[3] My headquarters will be at Culpeper Ct House to which place I wish my papers sent— The Democrat & Journal be good enough to attend it.

Let me hear from you frequently & direct to the same place.— Present me respectfully to your good lady & daughter and assure yourself of my undiminished regard & friendship

W B Slaughter

I sold Selim—saddle & bridle for three hundred dollars—& the mare for one hundred & forty.— If I could have stated with certainty that she was blooded I could have sold her for four or five hundred—but I uniformly stated that I did not know her blood—but had been told she was a colt of Bertrand.

[Addressed:] His Excly. Noah Noble Indianapolis Indiana

Henry Clay to Noble[1]

Ashland 8th Sept. 1834

Dear Sir I duly rec'd your favor of the 2d.[2] As you do not mention the receipt of a short letter which I addressed to you,

2 Perhaps George McDuffie, formerly a member of Congress and now governor of South Carolina.

3 Slaughter had been appointed register of the land office at Green Bay, Wisconsin. U. S. Senate *Executive Journal,* 4:435-36, 442.

1 ALS. ISL: Indiana Division, Noble Papers.

2 Not found.

of prior date, I presume it had not reached you. I repeat the expression contained in it of my hearty congratulations on your recent election. Considering the opposition you encountered, the result was as gratifying as it is decisive. The course you pursued as to the Presidential election was both judicious & conformable to the general understanding among the Whigs previous to the adjournment of Congress. It was deemed best to designate no Presidential candidate until after the Fall elections, so as to combine the whole strength of the entire opposition against the admin and against Mr. V. Buren. In the course of next winter it is to be hoped that there can be an union effected on some Candidate. I think, at last, we have reason to hope that we shall get rid of the miserable concern at the head of public affairs. All my information justifies the belief that the Whigs will succeed in N. York, New Jersey, Penns'a and Maryland; and there is a strong probability of their success in Maine. Rhode Island has fulfilled our hopes.

I have long wished to visit Indianapolis, and I should be highly gratified to do so; but I regret that it is not in my power to accept your friendly invitation this fall. I have been ten months out of the last twelve from home; and my private affairs require my presence here until the time arrives for me to proceed to Washington. I must therefore postpone the pleasure of seeing your part of Indiana to some more convenient day. I was induced strongly to anticipate the satisfaction of seeing you here this week, at our cattle shew; and I have not abandoned the expectation. Should it not be in your power to come at that time, I hope you will visit us during the races which take place in the course of the next week. You will see our neighbourhood in a pleasant condition; for after a long and most distressing drought, we have just had fine rains that will restore vegetation, and render our fields once more verdant.

Has Tipton renounced Jacksonism? I fear he is not to be relied on. He affects candor and liberality, but cunning is his predominant quality. What is the political complexion of your Legislature?

I am, with sentiments of great respect & esteem, Your friend & obt. servt.

H. Clay

His Excell'y N. Noble

William Hendricks to Noble[1]

Madison 19 Sept. 1834

Dear Sir On the rect. of your letter I expected to be in Indianapolis in a few days and for that reason did not answer it. I still expect to be there soon, but lest I might seem too negligent [will] drop you a line of reply.

In reference to the Miami reservation I believe that the agent has authority to negociate secretly for it and have learned that an attempt on the subject will be made this fall; probably he has been preparing the minds of the Indians for direct propositions at the payment which is expected to be made to that tribe about the first of next month.[2] Should I come along some of these days on my way there will you go along?

I think with you that it is greatly to be desired that the metal [?] should be put on such parts of the Cum. road as are prepared for it, before it goes into a state of dilapidation for the want of it. And if "Capt Ogden[3] has full powers" on the subject I should think that in the view of its necessity he wd not hesitate the appropriation is large and will admit of that operation and a continuance of the grading as heretofore That road

[1] ALS. ISL: Indiana Division, Noble Papers.

[2] William Marshall, Indian agent in Indiana, did succeed in October in concluding a treaty with the Miami by which a small part of their lands in Indiana was ceded to the United States, but which left some of the best and most valuable tracts near or on the line of the Wabash and Erie Canal still in Miami hands. President Jackson had some objections to parts of the treaty and refused to submit it to the Senate for ratification. Marshall was unable to effect in later negotiations the alterations which the President wanted made. *John Tipton Papers,* 3:288, 297. On the President's objections see below, Tipton to Noble, January 7, 1835, and note.

[3] Cornelius A. Ogden, captain in the Corps of Engineers, who was assigned to the Cumberland (or National) Road.

ought to progress more rapidly towards completion than heretofore

Yours Sincerely

Gov. Noble William Hendricks

Report of Trustees of Indiana College[1]

[September 30, 1834]

The Board of Trustees of Indiana College, in compliance with a joint resolution of the General Assembly of the State of Indiana, concerning said College, approved Jan. 25. 1830, respectfully report—

That in consequence of the non-attendance of a quorum of the Board of Trustees last year, owing to the prevalence of cholera in this place, no report was made to your honorable body at that time. In 1832, when the board last met, they were under the necessity of re-organizing the Faculty of the College, by the appointment of Messrs. Parks and Elliott; the former in the place of Mr. Hall, Professor of Languages, and the latter gentleman in lieu of Mr. Harney, Professor of Mathematics.[2] Since that period, harmony and unanimity of sentiment exist among the gentlemen composing the Faculty of the College, and it is truly gratifying to the Board, that they can bear ample testimony, not only to the talents and acquirements of the President and Professors, but to the industry and assiduity of those gentlemen in their several departments. When the last report was made, the number of students was between fifty and sixty; that number has considerably increased, and they at this time amount to eighty-three,* as per catalogue accompanying this report, which also contains the names and places of residence of the students; by which it will be perceived that a large majority of them are inhabitants, and many of them natives of this State. The new college edifice

[1] *House Journal,* 1834-35, pp. 45-48. The report was made to the House on December 4, 1834.

[2] See above, 129-31.

* Since this Report was made, the number of students has increased to nearly a hundred.

is not yet entirely completed, but hopes are entertained that it will be so, at an early period; the board conceiving it to be their duty to husband the resources of the institution as much as possible; therefore but a small portion of its funds is annually appropriated for this purpose.

The college library contains at this time, as per report, between four and five hundred volumes. These consist of history, geography, chemistry, philosophy, belles letters, and a number of miscellaneous works, a considerable portion of which were presented by individuals to Doctor Wylie, for the use of the college.

An appropriation of seventy-five dollars per annum has been made for the gradual increase of the library, and the Faculty have been instructed to make a code of by-laws, on the principle of keeping it up, and see the same executed.

An appropriation, also, has been made of one thousand dollars, to be expended under the direction of the President and Professor of Mathematics, for procuring a chemical and Philosophical apparatus, in addition to the instruments already on hand.

The Faculty of the college consists at present of a President, Andrew Wylie, D. D., and the two before named gentlemen, namely:—Messrs. Parks and Elliott; the former receives a salary of $1,300, and the latter $725, each per annum; also a Tutor, for the preparatory department has been employed, at a salary not exceeding three hundred dollars per year.

Heretofore part of the salary of the Faculty was contingent on the tuition fees, but it is now made permanent, in consequence of the comparatively large increase of the number of students.

An act of your honorable body was some time since passed, authorizing the sale of one of the reserved sections of land belonging to the college, lying immediately south of the edifice—part of the section was sold, and the commissioner did not feel authorized to offer the remainder, without a renewal of the act, as the limitation had expired. The board would therefore respectfully suggest the propriety of the Legislature renewing the act, for the sale of the balance of the south section.

In proceeding to the last requirement of the joint resolution of the General Assembly, namely; whether the 10th section has

been complied with. This section forbids the introduction into the college of sectarian tests, or the inculcation of sectarian principles. The board take great pleasure in assuring the General Assembly, that they are unacquainted with the slightest abuses of the kind, nor do they apprehend any difficulty on this score can arise at any time, when it is recollected that the members of this board belong to different religious denominations of christians.

The members present at the last session of the board were, David H. Maxwell, Jonathan Nichols, Leroy Mayfield, James Blair, Joshua O. Howe, and Wm. C. Foster, of Monroe county, Wm. Hendricks, of Jefferson, Dennis Pennington, of Harrison, Seth M. Levenworth, of Crawford, and Allen Wiley, of Dearborn county.

WM. C. FOSTER
Chairman of the Committee appointed for this purpose
BLOOMINGTON, Sept. 30, 1834.

Course of Study

The preparatory department.—Arithmetic, English grammar, geography, Latin grammar, historæ sacræ, Viri Homæ, Cæsar, Sallust, Cicero's select orations, and English compositions.

College Proper

Freshman class. 1st Session.—Ovid, Virgil (Bucolics, Georgics, and Æneid,) Horace, (odes, satires, epistles, Carmen Seculare, de arte pœtica,) and Valpy's Greek grammar, compositions.

2d Session.—Greek grammar, Delectus, Greek testament, collectanea Græca Minora, Græca majora commenced, compositions, and Themes.

Sophomore class. 1st Session.—Græca majora, (first and second volumes,) Herodotus, Thucydides, Xenophon, Polybius, Lysias, Isocrates, Demosthenes, Plato, Aristotle, Dionysius, Halicarnassus, Longinus, Homer, Hesiod, Sophocles, Euripides, Theocritus, Bion, Moschus, Sappho and Anacreon.

2d Session.—Cambridge mathematics, algebra, with the formation and application of Logarithms, geometry, plane, spherical and descriptive.

Junior class. 1st Session.—Cambridge mathematics, plane trigonometry, spherical trigonometry, application of algebra to geometry. Projections, dialling, mensuration, plane and trigonometrical surveying, differential and integral calculus, with practical exercises.

2d Session.—(Cambridge mathematics, physics, and optics,) statics, dynamics, hydrostatics, hydrodynamics, hydraulics, accoustics, optics, Mitchel's chemistry, with a course of experimental lectures, by Prof. Elliott, and lectures on grammar and philology, by Dr. Wylie.

Senior class. Mental and moral philosophy, evidences of Christianity, in connection with natural religion. Rhetoric, with a review of select portions of the Greek, Latin, and English classics, logic, political economy, constitution of U. S. Cicero de Oratore and Homer.

Remarks.

The Faculty, to whom is entrusted the government, and instruction of the students, consists of the President, who is also professor of mental and moral science—a Professor of mathematics, natural philosophy and chemistry, and a Professor of languages—a Teacher of the preparatory department, and such other tutors as may from time to time be found necessary. The course occupies four years; the first three sessions, (after entering college,) are spent in Professor Parks' department; the second three in Professor Elliott's, and the last two in Dr. Wylie's.

All the members of college are engaged on Saturdays, in exercises in oratory, elocution, and composition, under the superintendance of the President, and professor of languages.

No young man will be suffered to remain in connection with the institution, who does not give evidence of a mind worthy of cultivation, and a disposition to improve all his opportunities.

The course of studies pursued in Indiana College is intended to make thorough scholars and practical men. The attention of

the student is directed to but one primary object at a time, and his whole force and energies required to be concentrated on that object, and in this way it is found that more can be acquired, and more thoroughly understood, than by distracting the mind by a multiplicity of pursuits.

COMMENCEMENT. The commencement for conferring degrees, is held annually, on the last Wednesday of September.

The meeting of the board of trustees and visitors is held annually, on the Monday preceding the commencement.

Stated meetings of the Faculty are held on Saturdays at eleven o'clock, A. M.

Expenses. The tuition fee is $7 50 per session, or $15 per annum, and the contingent fee for wood, sweeping, &c. $1. Board, lodging, &c. can be had at from $1 25 to $1 50 per week.

Arrangements are now making, preparing rooms in the college buildings for the accommodation of students, which will materially diminish their expenses and promote their improvement.

Noble to the Editor of the Vevay *Monitor*[1]

AT HOME NEAR INDIANAPOLIS Oct 2d 1834

[SIR] Some late liabilities for others have so much embarrassed me that *retrenchment* is called for and in looking into my expense acct. I find I am paying about one tenth of my salary for newspapers and postage—These considerations have induced me to discontinue for a while nearly all my papers and among them the Monitor—Your acct. be kind enough to forw'd for payment at the meeting of the Sup Court and it will be paid.

The gratifying support given me in your county did not escape my notice and *I think* I will not be unmindful of the kindness.

Will be glad to see you at the Seat of Govt.

I am sir most sincerely Your obliged fr'd & svt

N. NOBLE

[Addressed:] Editor of the Monitor Vevay Indiana.

[1] ALS. ISL: Indiana Division, Noble Papers. Richard Randall began publishing the *Monitor* in 1832 and continued it about four years. Perret Dufour, *The Swiss Settlement of Switzerland County Indiana . . .* (*Indiana Historical Collections,* Vol. 13, Indianapolis, 1925), 111.

George Smith, *et al.*, to Noble, Petition for Pardon[1]

[October, 1834]

To His Excellency Noah Noble, Governor of the State of Indiana.

The undersigned respectfully represent, that they served as Judges and Jurors at the last term of the Marion Circuit Court on the trial of Michael Vanblaricum who was convicted of manslaughter (on an indictment for murdering one William McPherson) and sentenced to the Penitentiary for five years, we would further state, that from the testimony on the trial we at that time felt ourselves by the strict rules of law bound to convict; but upon further reflection on the evidence, and from our knowledge of Vanblaricum's character, we now believe that he (though he may have acted improperly) did not intend to take the life of Mr. McPherson. We would further say that we are informed and believe that he suffered severely from sickness during his imprisonment before his trial, and is now in bad health. He has a wife and four small children, who by the improper conduct of his late partner in business, and the imprudence and misfortune of a husband and father, have been brought to poverty and wretchedness. He has suffered much—in reputation, mind, body, and property—to keep him in confinement would add to the misfortunes of his wife, children, and relations, and would not bring the dead to life, or benefit society. Considering his punishment already inflicted, and more especially the situation of his unoffending wife and children, we humbly pray your Excellency to grant to said Vanblaricum a pardon for the offence alledged against him &c and we will &c.

George Smith, }	George Sharrar.
Joshua Stevens, }	John Sharrar.
Assoc. Judges.	Jacob Ringer.
John Ungles.	Noah Flood.
John Colglazier.	James Thompson.
William McAdoo.	Beacham Wishard.
Richard Anderson.	Garrison Williams.[2]

[1] Indianapolis *Indiana Journal,* October 31, 1834.

[2] The signers of this petition included all the jurors which tried

Noble to John Tipton[1]

INDIANAPOLIS Nov. 1st. 1834

THE HON JOHN TIPTON

SIR, The last Legislature of our State, by a Joint Resolution, made it the duty of the Governor to ascertain the terms, upon which, you would surrender the ground, on which was fought, the memorable Battle of Tippecanoe.[2] With the events of that struggle honorable mention has been frequently made of your name, of your fellow officers and soldiers who survived it by the brave General who commanded, as well as of those who were slain; and knowing your high estimate of the courage and private virtues of your companions who fell and whose remains render that a sacred spot, I need say but little to induce you to appreciate the motive which promps the measure, that of a just regard for the memory of the lamented dead. Allow me to refer you to the resolution and request and answer as early as your convenience will permit.[3]

I am Sir, With great esteem, Your obt Svt

N. NOBLE

(Resolution to be found in last volume of our laws)

Vanblaricum but one. Governor Noble, receiving no remonstrance against the petition, shortened the five-year sentence to three and a half years. Indianapolis *Indiana Journal,* October 31, 1834. For a detailed account of the drowning of McPherson for which Vanblaricum was held responsible, see Indianapolis *Indiana Democrat,* October 5, 1833. There is a short notice of the trial in the *Indiana Journal,* October 13, 1833. On February 9, 1835, Governor Noble issued a full pardon to Vanblaricum, to take effect April 1, following. Dunn, *Greater Indianapolis,* 1:557.

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1 ALS. ISL: Indiana Division, John Tipton Papers.

2 The joint resolution is printed on pp. 367-68 of *Laws of Indiana,* 1833-34.

3 Tipton replied to Noble on November 7, saying "that in purchasing the battle ground I was actuated by no other motive than that of possessing it in order to preserve the bones of my companions in arms who fell there, and that it will afford me grate pleasure to convey the battle ground to the State of Indiana, free of any charge, whenever it is signafied to me that the state wishes it so conveyed for that purpose." *John Tipton Papers,* 3:81. See below, 333n, 378-79, 489, for later developments concerning the transfer.

Thomas Collins to Noble[1]

New Albany Nov 13th 1834

Dr Sir During the canvass for Governor, this office published, by order of Mr. Reed, a communication concerning the election. Some time afterwards, some of your frends from Charlestown brought a few copies of your answer to this place and ordered one to be published here. We accordingly inserted it, and charged the bill to you. The bill is annexed, the amt of which you will please hand to James Collins

Tho. Collins

Gov. Noble

	To Gazette office Dr	
1834	To inserting 40 squares in answer to	
August 1st	Judge Reed's publication.	$15.00
	To 4th vol. Gazette	2 00
		$17.00

[Endorsed:] New Albany Gazette A/c 1835 $17.00 Sent the money by Mjr Thornton 1835

Noble: Proclamation Declaring State Bank in Operation[1]

[November 19, 1834]

Whereas, it has been made known to me by the proper authority, that the President and Directors of the State Bank of Indiana and Branches, are regularly organized, and prepared to enter upon the business of banking

Now therefore I, Noah Noble, Governor of the State of Indiana, do hereby proclaim to all whom it may concern, that the said Bank and Branches are authorized, agreeably to the act of incorporation, to commence their operation of banking.—In testimony whereof, I have hereunto subscribed my name and caused to be affixed the seal of said state—Done at Indianapolis, this 19th

[1] ALS. ISL: Indiana Division, Noble Papers.

[1] *Executive Proceedings, 1816-1836,* p. 290.

day of November, in the year of our Lord, 1834, and of the State the 19th[2]

By the Governor, N. NOBLE

WM. SHEETS, secretary of state.

Excerpts from Report of Superintendent of State Prison[1]

[December 1, 1834]

It appears by the report of the superintendant that there was from the 1st of July, 1834 up to the 1st of December 1834, 66 prisoners in the State Prison.

Crimes of Prisoners.

Larceny, 46—Forgery 4—Rape 2—Man-slaughter 4—Passing counterfeit money 2—Assault and Battery, with intent to commit murder 3—Perjury 3—Burglary 2—Abetting in Crime 1—Total 66.

Ages

Between	16	and	20	years of age	10
"	20	and	30	" "	34
"	30	and	40	" "	14
"	40	and	50	" "	6
"	50	and	60	" "	2
Total					66

Nativity.

Kentucky 8—Indiana 5—Virginia 7—Ohio 8—Rhode Island 1—Pennsylvania 10—Maryland 4—Massachusetts 1—New York

[2] Section 92 of the act establishing a state bank provided: "When the president and directors of the State Bank and branches shall have been qualified by taking their oath or affirmation of office, and shall have organized themselves and informed the Governor of the state that the State Bank and branches are prepared to enter upon the business of banking, he shall, by proclamation, authorize said State Bank and branches to commence their banking operation." *Laws of Indiana,* 1833-34, p. 30.

[1] Indianapolis *Indiana Journal,* February 3, 1835.

5—Tennessee 7—North Carolina 3—Georgia 1—Ireland 3—Wales 1—France 1—Germany 1—Total 66.

Report of the transactions and accounts of the State Prison.

Amount of sales of the products of labor from Dec. 3, 1832, up to Dec. 3, 1833, is	$13,019 03¾
Amount of expenditures for the same period of time for all objects connected with the same is	6,164 71
Nett,—	$6,854 32¾
The aggregate amount of all the products of the labor of the convicts from Dec. 3d, 1833 up to Dec. 1st, 1834, is	$13,222 68
The aggregate amount of expenditures for all objects connected with the same for the same period of time is	$7,624 54
Nett,	$5,598 14

Noble: Message to the General Assembly[1]

[December 2, 1834]

Gentlemen of the Senate, and of the House of Representatives:

Since the last annual meeting of the Representatives of the people, our State has continued its rapid advance in wealth and improvement; the current of emigration has never been exceded; the resources of the States are rapidly developing and increasing; the condition of every class of our industrious citizens is improving, and the numerous evidences that we see every where around us of a happy and prosperous people, call upon us for public and grateful acknowledgments to the Divine Dispenser of the numerous blessings enjoyed by our country.

[1] *House Journal,* 1834-35, pp. 12-20. Also printed in *Senate Journal,* 1834-35, pp. 11-20.

Our revenue continues to increase in proportion to the ordinary demands upon the Treasury; and although the system in its operation, is not as perfect or equitable as could be desired, or as economical in its assessment and collection as it ought to be, yet it is adequate to our present scale of expenditure. The receipts during the past year from all sources, amount to $106,797 08, and the disbursements to $121,372 23, which, with the balance on hand of 16,899 29, at the close of the last fiscal year, leaves unexpended in the Treasury, the sum of $2,324 14. The greater expenditure, during the present year, is principally owing to the payments on account of the erection of the State House.—The annual reports from the Auditor and Treasurer of State,[2] will exhibit in detail, the particulars of the receipts and disbursements of the past year. I again invite the attention of the Legislature to the suggestions made in my last annual communication, as to the amendments necessary to our present revenue laws to insure greater accuracy and uniformity, as well as economy, in assessing and rating lands for taxation.[3]

[2] See report of treasurer below, 343-46.

[3] An act "to provide for an equitable mode of levying the taxes" was introduced in the House and after considerable debate was passed by both houses and approved. *House Journal,* 1834-35, pp. 369, 383-86, 388-95 400-1, 583, 630; *Senate Journal,* 1834-35, pp. 368, 403, 436, 451, 472, 477-80, 488-91; *Laws of Indiana,* 1834-35 (general), pp. 12-22. Section 30 of the act provided that so much of it as related "to taking the first list and making a valuation of property liable to taxation, shall take effect and be in force from and after its publication; and the residue . . . shall take effect from and after the first day of February, A. D. 1836. . . ."

Elisha Embree, who was a member of the Senate at this session from Gibson, Pike, and Dubois counties, reported to his constituents: "The House of Representatives in both of the past sessions passed bills changing our present mode of taxation into an advalorem system. This circumstance and the fact that the legislature every year spends thousands of dollars in legislating on this subject made me investigate it with the closest attention—I weighed the relative situation of the different parts of the state as well as the different classes of Society and finally came to the conclusion that the district which I had the honor to represent in the Senate would not be injured by passing a bill allowing it to take effect one year after its passage so that if the people should not be satisfied with its provisions they could easily instruct their representatives before it went into operation—this at least will bring the subject before the

Of the various subjects which will necessarily present themselves for your consideration, during the present session, there is none more important than the prosecution of the Wabash and Erie Canal.[4] Not only are we deeply interested in a pecuniary point of view, but our character as a State is concerned, and our public faith is pledged for its vigorous prosecution and speedy completion. During the past season, thirty-six and a half miles, in addition to former lettings have been put under contract and are now in progress. The prices at which these contracts were taken, are considered fair, although the average price per mile is higher than the contracts of last year, principally in consequence of a greater amount in lockage and additional feeders on that part of the line.

people and I hope will be the means of settling the question so that so much time and money will not hereafter be annually spent by legislating on it." Embree Papers, Indiana State Library.

In regard to the valuation of real estate the thirteenth section provided that the assessor should "take into consideration the fertility of the soil, the vicinity of the [property] . . . to public roads, towns, or villages, navigable rivers, water privileges on the same, or in the vicinity of the same; the location or route of any canal or canals, with any other local advantages of situation." *Laws of Indiana,* 1834-35 (general), p. 16. The *Democrat* commented that this tax bill was considered by many as an entering wedge to the general system of improvements contemplated as passing the next session of the legislature. Issue of February 27, 1835.

[4] The report of the Wabash and Erie Canal commissioners is printed in the *Senate Journal,* 1834-35, pp. 220-53; and in the *House Journal,* 1834-35, pp. 237-66. The commissioners reported nearly seventy miles completed or under contract costing about $685,000. The sum consumed nearly all the funds appropriated and new appropriations were needed. According to the report of the House committee on canals and internal improvements, sixteen miles of the canal were completed. *House Journal,* 344. A report in the Indianapolis *Indiana Democrat,* December 3, 1834, stated that fifteen miles were ready for use and had been filled with water for two or three weeks, but a small breach had occurred at "the bluffs" on the feeder line and it became necessary to close the guard lock and drain off the water. The breach had been repaired but the canal would not again be filled until spring, by which time it would probably be opened to Huntington, a distance of thirty miles. The opening of the canal between Fort Wayne and Huntington was celebrated on July 4, 1835. See below, 373, and note.

In pursuance of the provisions of an act of the last session, the Canal Commissioners have caused surveys to be made on each side of the Wabash river, from Logansport to the mouth of the Tippecanoe, with the view of determining as to the comparative eligibility of the two routes;[5] but in consequence of the constant employment of the Engineer in field exercises, and of some delay occasioned by ill health, the estimates have not as yet been completed, but will be laid before you in due time. The expediency

[5] See *Laws of Indiana,* 1833-34, p. 52. The report of the engineers making this survey (J. L. Williams and William Gooding) is given as an appendix to the report of the Wabash and Erie Canal commissioners (*House Journal,* 1834-35, pp. 246-54). The report is dated December 27, 1834, after Noble had delivered his message. Four alternate plans and estimates of their cost were presented:

1) A canal on the north side of the river from Logansport to the termination, crossing Eel River by aqueduct—length twenty-eight miles and sixteen chains, estimated cost $373,304.63.

2) A canal crossing the Wabash at Logansport by aqueduct, and thence following south side to termination—length twenty-seven miles and nine chains, estimated cost $440,828.13.

3) A canal on the north side of the river to Georgetown, crossing the Wabash on an aqueduct, thence on the south side to termination—length twenty-seven miles and thirteen chains, estimated cost $421,457.62.

4) A canal on the north side of the river to the head of Ballard's Bluff, thence across the Wabash in the pool of a dam to be built at Rock Ripple, four and a half miles below point of crossing, thence using same pool as a canal with a towing path on the bank for two miles and sixty-two chains, thence a canal to termination, passing through Delphi bayou—length twenty-seven miles and seventy-three chains, estimated cost $388,897.92.

The commissioners, after weighing these routes, favored crossing the river at Ballard's Bluff as in the fourth plan, though with some reservations, and they requested further information from the engineers. The commissioners expressed the opinion that the canal should be extended to a point where canal and steamboat navigation could at all times meet and recommended that instead of terminating the canal at the Tippecanoe it be extended to Lafayette.

The House committee on canals and internal improvements favored crossing the Wabash at Ballard's Bluff and following the south side of the river (*House Journal,* 1834-35, pp. 344-45) and the Assembly ordered the canal to be so located as to cross from the north side of the Wabash to the south between the mouth of Eel River and head of Ballard's Bluff, the commissioners to select the site of crossing and decide whether it should be by aqueduct or pool of a dam. *Laws of Indiana,* 1834-35 (general), pp. 27-28.

of crossing the Wabash at Logansport and continuing down on the south side of the river to the mouth of the Tippecanoe, and extending it thence to Lafayette, are questions involving a considerable extent of interest, about which much anxiety is felt, and which justice and public policy require, should be promptly settled by the Legislature, so soon as the necessary estimates are before them. Delay may materially affect the value of the canal lands, and a speedy determination will put an end to the suspense of those who are desirous of locating themselves near the line of the canal. The Board have also caused a survey to be made of the valley of Whitewater, from the mouth of Nettle creek to Lawrenceburgh,[6] but for the reason before stated, no detailed report or estimate has been made. It is believed, however, by the Engineer, that the work is entirely practicable, the supply of water ample, that throughout the greater part of the line good materials are abundant, and that its feasibility is beyond a question. A few miles of the line surveyed, lies within the State of Ohio, whose assent was obtained before the survey was commenced.[7] The duties of the Engineer and his assistants, during the past season, have been of a most arduous kind and their abilities and faithfulness have been fully tested by the Commissioners.

Since the adjournment of the last session, the canal lands belonging to this State, lying within the limits of Ohio, have been accepted by that State, upon the conditions proposed, and the ratifications have been exchanged by the Executives.[8]

The loan in aid of the canal, authorised by the last Legislature, the Fund Commissioners have not yet permanently made, believing

[6] The previous Assembly ordered this survey to be made. *Laws of Indiana,* 1833-34, pp. 52-53. The report of the engineers (J. L. Williams and William Gooding) making the survey for a Whitewater Canal is given as an Appendix to the report of the canal commissioners. *Senate Journal,* 1834-35, pp. 240-51; *House Journal,* 1834-35, pp. 255-64. It was made on December 23, 1834, after Noble had delivered his message. Total cost of the canal was estimated at $1,142,126.15; cost per mile was estimated as $14,908.

[7] See above, 238. In their report the commissioners pointed out that only eight miles would lie within Ohio, but arrangements for Indiana to build that portion of the canal would have to be made with the State of Ohio. *Senate Journal,* 1834-35, p. 221.

[8] See above, 238.

it good policy to delay awhile, but they have obtained sufficient supplies for the progress of the work on good terms. Their report will be laid before you. The sales of the canal lands from the 25th Nov. 1833 to the 1st day of Nov. 1834, amounted to $67,503 90, a report of which will be made by the Commissioners.[9]

As the resources of the State develope themselves, and the ability of our citizens to produce a surplus increases, public sentiment becomes more decidedly in favor of such internal improvements as will facilitate the transportation of such surplus to a market, and thereby increase the rewards of industry and enchance the general value of property. Since the beneficial policy of engaging in public works for the advancement of the agricultural and commercial interests of the country has been so frequently and clearly demonstrated, and while our credit is justly such as to command any amount of capital at an interest of five per cent. or less, no good reason can be assigned why we should longer hesitate to follow the successful examples of other States. New-York, Pennsylvania and Ohio had, at the commencement of their works, which have enriched their citizens, and done honour to the sagacity and enterprize of their projectors, but little more means or resources than their public credit, which enabled them to obtain in the money market such sums as they needed. The money thus procured, in the first instance, immediately benefitted the people by being thrown into circulation in payment for labor, materials and subsistence, and so soon as the works were completed, the people and the States were repaid many fold by the increased demands and higher prices for their produce; by the activity imparted to every branch of industry, and by the enhancement of the landed property of the country. The additional value alone of the lands in the district of country intersected by the Miami Canal in Ohio, far exceeds the cost of the construction.

[9] Reports of the Canal Fund commissioners are given in the *Senate Journal,* 1834-35, pp. 23-24, 338-41; *House Journal,* 1834-35, pp. 31-33, 357-60. The second report (made January 12) states that sales of canal lands from November 25, 1833, to November 25, 1834, amounted to $20,673.69, a figure considerably less than Noble reported. The fund commissioners' report on the State Bank loan is in the *Senate Journal,* 1834-35, pp. 6-8, and in the *House Journal,* 1834-35, pp. 22-24.

The actual wealth of a state or nation, does not consist of the sums hoarded in the Treasury, but in the wealth of the citizens and their ability to pay whenever the exigencies of the Government make contributions necessary. The Treasury of a well managed Government, is the pockets of the people, in which something should be placed by wise legislation, before much is required. To borrow money at a fair rate of interest, and expend it upon some well selected objects of paramount public utility, will not embarass the Government or impoverish the people, but on the contrary, will enrich both. If the interest is annually raised by taxation, the ability of the people to pay these taxes is proportionally increased, because the principal of the debt is expended among them. By this process, the capital which has accumulated in the commercial cities, is transferred to the west where it is needed, and thrown into general circulation, affording means to enterprise, and stimulating to activity every department of industry. This is not mere speculation; it is theory based upon reason and abundantly verified by facts and experience.

With a view of engaging in works of internal improvement, the propriety of adopting something like a general plan or system, having reference to the several portions of the State, and the connexion of one with another, naturally suggests itself. No work should be commenced but such as would be of acknowledged public utility, and when completed, would form a branch of some general system. In this way only, can any permanent public advantage be realized, the people generally benefitted by the expenditure, and the imputation of partial or local legislation be avoided. In view of this object, the policy of organizing a board of public works, is again respectfully suggested. Such a board, acting with a view to the general interest of the State, would only sanction such as were capable of being extended and connected with each other upon some general plan, so as to open communications between the most important points, and subserve the general interests of the people.

The receipts on account of the Three per Cent. Fund, since the last annual report of the Agent, amount to $20,105 00,

falling short of the existing appropriations nearly one half.[10] It is obvious while the present system of appropriating this fund is continued, it cannot be relied on as a means of improving our roads and highways, so as to produce any permanent public advantage. It is annually distributed in small portions to the several counties in the State, and by them again sub-divided and applied to detached portions of the numerous state roads that incumber our statute books, without reference to any continuous line of communication, between different parts of the State, and is thus frittered away in paying for mere temporary improvements, without regard to the permanent convenience or accommodation of the public. And it would seem too often to be the case, that the great object of the fund is lost sight of in efforts to distribute the money in certain neighborhoods, or to accommodate individuals by placing small portions in their hands for disbursement. It is true, that the people have been much benefitted by the expenditure of this money among them; but this should only be considered a secondary object. The money could as well be thrown into circulation and the same advantages accrue by applying it to the construction and improvement of a limited number of principal thoroughfares, selected with a view to the general advantage. If some such plan had been adopted and pursued from the commencement of the appropriations of this fund until the present time, our state would now have been intersected by a number of well improved roads that would have contributed very essentially to the public convenience and accommodation.

Our dividend for 1834, will exhaust the remaining appropriations, and I respectfully recommend that the Legislature shall authorise a loan of not less than two hundred thousand dollars, at five per cent., redeemable in fifteen years, and to be paid by your annual receipts of the three per cent. fund—which sum, if industriously applied to the construction and permanent improvement of a portion of our highways, would more essentially benefit the citizens and contribute to the wealth and resources of the

[10] The report of the agent of the Three Per Cent Fund, Benjamin I. Blythe, is in the *Senate Journal,* 1834-35, pp. 56-57, and in *House Journal,* 1834-35, pp. 63-65.

State, than if yearly dividends were trebled and annually expended upon our present system.[11]

[11] Both houses of the Assembly spent considerable time in this session on the subject of internal improvements. The House committee on canals and internal improvements reported at some length. Their report spoke of the successful prosecution of the Wabash and Erie Canal, "the practicability and importance" of a canal down the Whitewater Valley and the "importance (if practicable)" of a canal route from Muncietown down the White River valley to the Wabash or Ohio rivers. The report also mentioned the Lawrenceburgh and Indianapolis Railroad, of which a short line of track had already been laid, on which a horse-propelled car had run. The report outlined the advantages and disadvantages of railroads and canals. The committee in conclusion introduced a bill to provide further for the Wabash and Erie Canal and "for the commencement of a general system of internal improvement in Indiana." Considerable enthusiasm for the measure was manifest, but in the debate that followed sectionalism was apparent. Also there were words of caution, and William G. Armstrong of Clark County presented a minority report opposing the measure. He expressed the opinion that the state should finish the Wabash and Erie Canal and that the project should remain separate from other works of internal improvement. He favored the establishment of a board of internal improvement "to examine and survey the different routes proposed to be improved, before there should be any other expenditure or pledge of appropriation made to such contemplated projects. . . ." He believed the state was not prepared to assume such a debt as would be incurred if such a program as the bill encompassed was undertaken. Finally the bill was ordered to lie on the table. *House Journal,* 1834-35, pp. 344-48, 348-51, 351-52, 355-56, 375-78, 379-83, 435-38, 439-41, 443-48.

In the Senate a resolution was offered to instruct the committee on canals and internal improvements to report a bill "for the commencement of a system of internal improvements, providing in its detail for a further prosecution of the Wabash and Erie canal. . . ." This resolution was tabled upon motion of Elisha Embree. *Senate Journal,* 1834-35, pp. 375-76. For a similar resolution see *ibid.,* pp. 256, 274-76. In a letter to his constituents Embree said that "a system of extravagant internal improvements was urged upon the legislature which was calculated to involve the state in debt of more than ten million dollars." He felt the people would not endure the taxes such a debt would entail, and foresaw a dismal future if such a program was adopted. Draft in Embree Papers, Indiana State Library.

The Assembly did pass an act providing for continuing work on the Wabash and Erie Canal, authorizing the commissioners to contract for a loan of $227,000, and for putting under contract that part of the canal from the point completed to Georgetown. The act also provided for the canal commissioners to appoint an engineer to locate a canal route from a suitable point on the Wabash and Erie Canal by way of Muncie-

Were I to pass by the praise-worthy and public spirited enterprise of that portion of our citizens interested in the line of rail-way designated by the Lawrenceburgh and Indianapolis charter, I should do injustice to their laudable exertions, and be remiss of my duty towards them.[12]—Since the close of the last session, availing themselves of the provisions of their charter, they have subscribed above one hundred thousand dollars of stock; procured a survey of the major part of the line, and would have completed the location of the whole route, but for the lamented death of their Engineer. The company will report its proceedings to the Legislature, which will enable you to determine the extent of its further claims upon the patronage of the State.[13] Our citizens upon other routes have had meetings, with a view to taking the first steps towards the commencement of similar works, but I am wholly unadvised of their further proceedings or wishes.

town and Indianapolis to a point at or near the junction of the White River, and thence to the Ohio. The engineer was to report to the next Assembly the possible cost of such a canal and whether or not it was practicable. A survey for continuing the Wabash and Erie Canal to the Ohio River was also ordered as were surveys of the following routes for either turnpike or railroads: from Madison by Indianapolis, Danville, and Crawfordsville, to Lafayette; and from Crawfordsville by Greencastle, Bloomington, Bedford, and Salem, to New Albany. A survey for a railroad from Evansville to Vincennes via Princeton was also ordered. Other surveys ordered included a canal route, railroad, or turnpike from Indianapolis to Jeffersonville, a macadamized road from New Albany to Vincennes via Greenville, Fredericksburg, Paoli, Mount Pleasant and Washington, and a railroad from Terre Haute to Vincennes, and further survey on the Lawrenceburgh and Indianapolis Railroad. *Laws of Indiana,* 1834-35 (general), pp. 25-30. The expenses incurred in making the surveys were to be taken out of funds appropriated for the Wabash and Erie Canal, the state to reimburse the canal fund later. The engineer in charge of the survey was to be employed by the canal commissioners. Col. Howard Stansbury of the U. S. Topographical Bureau was lent to the state to supervise the surveys. See correspondence between Noble and Stansbury, below, 367-69, 377-78, 448-51, 453-56, 505-11.

12 For similar reference to Lawrenceburgh and Indianapolis Railroad see above, 270-72, and note.

13 The report, signed by the president pro tem. of the company, James Blake, is in the *Senate Journal,* 1834-35, pp. 63-75. The expenses incurred so far by the company were listed as follows:

In pursuance of a law of last session, a commissioner has been appointed, to act in conjunction with one on the part of Illinois, in making surveys and improvements on that part of the Wabash river, which constitutes the common boundary between the two States, and has entered upon the duties of the service. Owing to sickness, nothing more has been done, than making some necessary surveys preparatory to the work. Whether the twenty-four thousand dollars appropriated, will remove the obstructions to the navigation of the rapids or not, sufficient information has not yet been obtained. A report from the commissioners may be expected.[14]

I herewith lay before you, a report made to the Legislative Council of Michigan, with an accompanying resolution, on the subject of the southern boundary of that Territory, constituting the northern boundaries of Ohio, Illinois, and of this State. From this document, it will be seen that Michigan, notwithstanding the approval by Congress of the Constitutions of these States, in each

"Engineering, including the price of instruments and subsistence and pay of Corps, consisting of a Principal and Assistant Engineer — two Vane-men — one Surveyor — two Chain-bearers—two Markers, and one teamster with a horse waggon $1,314 43½
"Cost of construction of one and a quarter miles of road at Shelbyville 1,975.29½
"Cost of a Passenger Car for the same 222.12½
"Expenses of Drivers and horses on the 4th of July..... 12.62

"Total ..... $3,524.47 ½"

The company had received from conveying passengers over the one and a quarter miles of track $83.00, $60.00 of which was taken in on the 4th of July. See above, 270n-71n.

[14] A report of Andrew Gardner, commissioner of the fund for the improvement of the Wabash, is in the *House Journal,* 1834-35, pp. 26-28. He estimated the cost of improvement south of the Grand Rapids at $10,000, but was unable to report on the cost of improving the section above. The Assembly passed an act authorizing the commissioner to purchase sites for dams, locks, etc., necessary to the proper improvement of the Wabash in that part over which Illinois and Indiana had joint jurisdiction. The act also provided penalty for diverting the water from the main channel of the river or for otherwise impairing navigation, or injuring any of the improvements. *Laws of Indiana,* 1834-35 (general), p. 74.

of which their respective boundaries are clearly defined, claims as her southern boundary an east and west line drawn through the southern extreme of Lake Michigan.—Were it possible to recognize this claim, Indiana would lose a district ten miles wide, extending entirely across the northern part of the State, including one of the fairest and most desirable portions of her territory, and be entirely excluded from any access to the Lake, except through a foreign jurisdiction.

This claim can never be acceded to by Indiana, and it is highly important that the question should be brought to an early decision. During the last session of Congress, the subject was brought immediately before that body by the application of the people of Michigan to be admitted into the Union as a State, and the question underwent considerable discussion before a committee of the Senate, but no final action was had on the subject by either House. The question was then contested principally between the delegation of the State of Ohio and Michigan, the latter insisting that it is purely a judicial question, depending upon compacts and laws already enacted, and over which Congress has no jurisdiction; and the former contending that it is a question of Legislative discretion and expediency. For the purpose of putting you in possession of the position taken by the parties, I herewith lay before you the Report of the committee of the Senate, containing the arguments and documents submitted to them by the delegation from Ohio and Michigan. The deep interest our State has in this important question will suggest to you the propriety of calling the attention of our delegation in Congress to the subject, and requesting them to unite with those of Ohio and Illinois in bringing it to a speedy determination by Congress, the only legitimate tribunal for its decision.[15] But should Michigan succeed in pro-

[15] Lengthy reports were made by the select committees of both houses to which the matter was referred. *Senate Journal,* 1834-35, pp. 229-35; *House Journal,* 1834-35, pp. 521-25. The Senate report with the joint resolution is printed in *Laws of Indiana,* 1834-35 (local), pp. [255]-62. The resolution instructed Indiana's senators and requested its representatives in Congress to insist upon the northern boundary of Indiana as defined in the enabling act. It further stated that the Assembly could not believe that Congress would "seek to deprive this state of any por-

curing an admission into the Union upon an equal footing with other States, before the question is settled, Congress will no longer have jurisdiction over the subject; it will then be a question of boundary and jurisdiction between States, to be determined by the Supreme Court of the United States, most probably after a protracted and vexatious litigation. An additional reason why every exertion should be made on the part of this State to bring this question to a speedy settlement is, that as the mouth of the Maumee river and the termination of the Wabash and Erie Canal, lie within the limits claimed by Michigan, it is most probable that Ohio will suspend all co-operation in the work, until the controversy is settled; and from the proceedings of a meeting of some of the public officers and citizens, it would seem that such is their intention.

I herewith lay before you the Report of the Adjutant General of the State of Massachusetts to the Legislature, on the subject of the militia, and also joint resolutions of the States of Maryland and North Carolina, recommending the adoption, by Congress, of an uniform system that will equalize the duties and relieve the people from the burthens of the existing methods of organizing the militia under the State authorities.

The progress made in the erection of the State-house during

tion of her territory as secured to her by the aforesaid act of Congress," and that any such act of Congress would "without the consent of this state thereto obtained, be unauthorized, unconstitutional and void, and only operate as a pretext for future controversy." The representatives were requested and senators instructed that in the event an act for Michigan statehood was passed, "to use their exertion to have incorporated in such act a provision restricting the territory of such state from extending south beyond an east and west line drawn through a point ten miles north of the southern extreme of Lake Michigan. . . ." A similar resolution was passed by the next Assembly. *Laws of Indiana,* 1835-36 (local), p. 388.

Indiana's northern boundary was to remain untouched. Indiana's dispute with Michigan dimmed in the excitement of the much more violent Ohio-Michigan boundary controversy and the "Toledo War." For a good account of this see Buley, *The Old Northwest, 1815-1840,* 2:190-203; see also Mrs. Frank J. Sheehan, *The Northern Boundary of Indiana* (Indiana Historical Society *Publications,* Vol. 8, No. 6, Indianapolis, 1928).

the past season, has been highly satisfactory.[16] Thus far, the materials used, are of the best quality, and the work is done in the most substantial manner. There is no doubt that the building will be completed by the time stipulated in the contract. Experience has already shown, that it will be absolutely necessary for the Legislature to adopt some effectual measure to prevent the work from being wantonly impaired and defaced.[17]

With the exception of one lot, all the property belonging to the State, within the Indianapolis donation has been sold, but that which is reserved. The annual report of the Agent, will furnish you with the particulars as to the situation of the fund.[18]

From the Report of the Visitor, the State Prison continues to be managed in a manner highly satisfactory.[19] I herewith lay before you a communication from the Superintendent, proposing to surrender the prison, on the ground that the Clark Circuit Court, at its May term, discharged a convict on a writ of Habeas

[16] See report of commissioners appointed to superintend the erection of the State House, below, 347-48. Ithiel Town, architect for the capitol, sent to the Senate "a perspective view, and principal floor [plan?]" on December 6.

[17] The Assembly passed a Senate bill "to provide for the furnishing and preservation of the State House" (*Laws of Indiana,* 1834-35 [general], pp. 4-6), which ordered the commissioners to enclose the State House square "by a sufficient plank fence." It also levied a fine of $3.00 against any person carrying "a lighted segar or pipe into the building," and levied a penalty of fine and imprisonment against persons defacing the building. The act ordered the Governor to appoint a custodian, whose first duty was to "procure and paste upon the different parts of the [building] . . . and at least one in each room, a brief printed cautionary notice of the penal provisions of this act."

[18] The report of the agent, Ebenezer Sharpe, for this year was not printed in either the Senate or House journals and has not been found elsewhere. A special report from the agent to the Senate shows that upwards of $15,000 would be realized from the sale of lots in 1835, 1836, and 1837. The agent also listed as reserved, square no. 22, the hospital square; no. 25, the university square; the Governor's Circle; lots 7 and 46 in square 46, reserved for the Governor's use; and all of square 48 with the exception of lot 4. Outlots 127 and 148 were reserved as ferry lots. *Senate Journal,* 1834-35, pp. 183-84.

[19] The report of the visitor, June 28, 1834, is given above, 267-69. No report by the visitor covering the last six months has been found. The superintendent's report of December 1, 1834, is given above, in part.

Corpus, who entered upon his second term of service and was there detained by the keeper, for having escaped from prison during his first term of service: that being the punishment imposed by the 89th Sec. of the act relative to crime and punishment, approved February 10, 1831.[20] The Constitution of the State, secures to every individual the right of a trial by a Jury of his country, and forbids the imposition of such penalties in the summary manner contemplated by that section. I therefore entertain no doubt of the correctness of the decision of the court, and refer the subject, with the proposition of the Superintendent, to the consideration of the Legislature.

The Saline lands have been offered for sale, except those in Monroe county, the unexpired lease on which, it was thought, would bring a better interest than the proceeds of the land; and in addition to that reason, it has been ascertained that another lot of land was reserved and belongs to the Saline, which was not named in the act of Congress authorizing the sale. The proceeds of the sales in Washington county amount to near $8000. Of the French Lick reserve, 5,440 acres were sold at an average price of two dollars two cents per acre, amounting to $10,988 80, leaving nearly 18,000 acres to be disposed of to individuals at private sales.[21]

[20] "That any convict confined in the State Prison, who shall escape therefrom, shall on recaption be confined at hard labor, for double the length of time for which such escaping convict was originally sentenced, and it shall be the duty of the judge to inform him thereof at the time of conviction." *Revised Laws of Indiana,* 1831, p. 197. The Senate committee considering this part of the Governor's message expressed the unanimous opinion that it was inexpedient at this time to release the superintendent. *Senate Journal,* 1834-35, p. 454.

[21] The Assembly, at this session, sought from Congress by a joint resolution and memorial, permission to sell all the remaining saline lands in Indiana at whatever price they could bring. In 1832 Congress had authorized sale of saline lands but at a price not less than public lands belonging to the United States were sold. *Laws of Indiana,* 1834-35 (local), pp. 280-81. The resolution of this session was presented to both houses of Congress in February, 1835, and was referred to the proper committees, but apparently no action was taken on it. *House Executive Documents,* 23 Congress, 2 session, No. 157; *Senate Documents,* 23 Congress, 2 session, No. 125.

The Pottawattamie Indians, resident within the State, are making preparations to remove to the territory assigned them by the General Government, west of the Mississippi.[22]

Another attempt has recently been made, to extinguish the title of the Miamies, to lands within the State, which has been only partially successful. They have relinquished nearly all their reserves north of the Wabash, and seven miles on the west side of the great reserve, on the south side of the river, including in the whole about two hundred thousand acres. This acquisition, however, is of importance to the State, as it removes most of the impediments from that source, to the construction of the Canal, and will soon bring into market a considerable quantity of valuable land. It is hoped that no exertions on the part of the General Government will be spared, to remove this remnant of Indians from among us.[23]

In behalf of the cause of Education, I recommend to your special consideration, our School and Seminary laws. It is only by steadily observing the practical operations of the law, and prompt-

[22] By the treaties of 1832, the Potawatomi had sold all their claims to land within the state, except a few small reserves for particular tribes or parties. In July, 1834, the Indian agent, William Marshall, was instructed by the Secretary of War to make an effort to secure these reserves granted in 1832 by treating with the separate bands. During December Marshall concluded eleven treaties with Potawatomi bands. President Jackson submitted only four of these to the Senate for ratification and withheld the others. Those approved provided for complete relinquishment of reserves and carried a promise to yield possession within three years. The treaties withheld provided for purchase of only parts of the reserves, the remaining parts to be divided among individual members of bands, thus permitting them to remain in the state for at least a short time. It was not until 1836 that satisfactory treaties were concluded providing for the full relinquishment of their reserves. Kappler (ed.), *Laws and Treaties* 2:428-31; Irving McKee, *The Trail of Death, Letters of Benjamin Marie Petit* (Indiana Historical Society *Publications,* Vol. 14, No. 1, 1941), 17-21.

[23] See above, 304n. The Assembly at this session passed a joint resolution asking the President to extinguish the Miami title to all lands in Indiana, and that the Government provide "the most efficient means to cause the peaceable, prompt, and effectual emigration of the Potawatomi and Miami Indians from the State of Indiana, consistent with the policy, faith, and honor of the nation." *Laws of Indiana,* 1834-35 (local), pp. 277-78.

ly correcting its deficiencies as they may develope themselves, that we can hope to perfect the system and bring it into general acceptance with the people. It is our business and duty to foster and encourage education, and we should, therefore, studiously endeavor to adapt our legislation to the peculiar situation and circumstances of the people: even their prejudices ought to be regarded, so far as not entirely inconsistent with the great object to be accomplished. By pursuing this course, there is a greater certainty of success, than by adopting at once the most perfect system that has been devised in other States, and suited to the circumstances and opinions of a people differently situated from ours.

It is highly important that some method should be adopted of enforcing a more rigid accountability in the management of the County Seminary funds. In some instances, they are entirely squandered and lost. It is believed that at present, they are more generally paid over than formerly, to the Trustees, but there still seems to be some strange fatality attending them. I would suggest the propriety of abolishing the office of Seminary Trustee, and vesting the duties in the County Treasurer, under the supervision of the Board doing county business. The law of 1831, to provide a fund for the encouragement of common schools, directs that lists of lands and lots on which the taxes remain unpaid, shall annually be certified by the Collectors to the School Commissioners of the several counties, who shall charge such lands and lots with a penalty of fifty per cent. on the amount of taxes due thereon, and one hundred per cent. per annum until the same is paid; and further requires the School Commissioners to certify to the Treasurer of State, on or before the 10th day of December, annually, the amount of lands on their books charged with the non-payment of taxes, and the sums paid within the year for the redemption of such lands. In the year 1832, returns were received from but twenty-four counties, and for the year 1833, the Commissioners for twenty-two counties only made any return; and of the returns received, the greater number were very imperfect and unsatisfactory. There is no penalty prescribed for the non-performance of this duty on the part of the School Commissioners.

It is recommended, that it be made the duty of some of the Executive officers, to furnish the School Commissioners with suitable forms for such reports, and impose a penalty for failing to certify as required; and also the duty of the Treasurer to certify to the Prosecuting Attorneys all delinquent commissioners, within their respective circuits. The fund that would accrue to the several counties in the State from this source, if properly managed, would be very considerable; and as it is relinquished on the part of the State from its principal source of revenue, it is the duty of the Legislature to see that the provisions of the law are strictly complied with, and that the fund is faithfully applied to the purpose for which it is granted. The law contemplates that legislative provision shall be made for the sale of such lands as shall remain unredeemed three years; but it is evident, that unless all the requisites of the law are complied with, no valid title will pass by such sale; and unless proper returns are properly made, the situation of such lands, will become involved in almost inextricable confusion and uncertainty, and will materially affect the revenue of the State. A careful revision of the law is therefore recommended.[24]

My views in reference to our Probate System and the act regulating the practice in our Circuit Courts, as expressed in my communication to the last Legislature, remain unchanged, and the subject is again earnestly recommended to your attention.[25]

The State Bank has just commenced operations under very favourable circumstances. The stock in all the branches authorized, was subscribed by individuals, and the instalment paid as required by the charter. The loan authorized for the payment on the stock allotted to the State, amounting to $500,000, was obtained at a premium of one and five hundredths per cent. on five per cent. stock, making the sum of $5,250 on the amount borrowed.[26]

[24] At least a part of these recommendations were incorporated in the revised law passed at this session. *Laws of Indiana,* 1834-35 (general), pp. 37-42.

[25] See above, 202-4.

[26] The report of the directors of the State Bank is given in the *House Journal,* 1834-35, pp. 66-69, and *Senate Journal,* 1834-35, pp. 59-63.

As the ensuing session of the Legislature will be the period for a new apportionment of the members of the Senate and House of Representatives, it will be necessary, during the present session, to make provision for taking an enumeration of the free white male inhabitants throughout the State, above the age of twenty-one years, preparatory to that measure.[27]

In pursuance of the joint resolutions of the last session, relative to the Insurance Companies within this State, agents have been appointed to make the examinations and inquiries proposed, whose reports, when received, will be laid before you.[28]

The Commissioner on the Michigan Road has been actively engaged the past season in applying the appropriation of $30,000, made the last session. A report from that officer will also be laid before you.[29] A law of the last session makes it the duty of the boards doing county business in the several counties through which this road passes, to district and cause it to be worked under the direction of the Supervisors, in the same manner that other roads are worked. As it is not probable that the labour thus applied, will in all instances be in conformity to the plan of the Commissioner, and may in some instances, materially interfere with it, will it not be well to authorize the Commissioner to instruct the Supervisors as to the places and manner of applying the labour of the hands?

[27] See *Laws of Indiana,* 1834-35 (general), pp. 10-11, for an act providing for taking an enumeration of the white male inhabitants over twenty-one years of age in the state. The results of this census were published in the *Senate Journal,* 1835-36, pp. 81-82, 328.

[28] The joint resolution requested the Governor "to cause inquiry to be made into the corporate powers and capacities of the several insurance companies in this state; whether any or either of them have by the terms of the charter of their respective corporations, any other or greater powers than contemplated by the constitution, if so whether such powers can be legally exercised: whether any of them do *issue bills of credit or bills payable to bearer on order,* or any other notes or bills as a circulating medium; whether so doing would be such violation of their chartered duties, affecting the circulating currency, the interest of the state or character of her institutions as to subject them to forfeiture." *Laws of Indiana,* 1833-34, p. 361.

[29] The report of William Polke, commissioner of the Michigan Road, is in the *House Journal,* 1834-35, pp. 106-27; *Senate Journal,* 1834-35, pp. 95-118.

In compliance with a duty imposed by a joint resolution of the last Legislature, I had the honour of addressing a note to the Hon. John Tipton, to ascertain on what terms he would surrender to the State, the Tippecanoe Battle Ground, and now lay before you his reply, proffering to transfer it without charge.[30]

In the character of guardians of the public weal, you have convened for the transaction of business involving questions of deep interest to our fellow citizens, and knowing no other restraints than those imposed by our constitution, it will be for you to adopt, or reject at pleasure, the suggestions I have thought it my duty to make. If other measures in the least calculated to promote the prosperity of our citizens, or the honor of the State, shall, during your deliberations, emanate from your better judgment, they shall receive my cordial support and concurrence.

N. Noble

30 See Noble's letter to Tipton above, and note quoting Tipton's reply, 311n. The Assembly passed a joint resolution authorizing the Governor to accept the battleground in behalf of the State and have it enclosed with a suitable fence and make a report to the next Assembly relative to the erection of a suitable monument on the site. *Laws of Indiana,* 1834-35 (local), pp. 265-66.

SECOND TERM, 1834-1837

SECOND TERM, 1834-1837

Noble: Inaugural Address to the General Assembly[1]

[December 3, 1834]

Senators, Representatives, and Fellow-Citizens:

In all countries where the people exercise the natural and inherent right of self-government, it has been the usage, in accordance with their individual sense of ultimate responsibility to our Creator, to provide, that the assumption of delegated power, by a public agent, should be preceded by an appeal to Him who is the author of natural and political existence, and who holds his creatures responsible according to that which is committed to their charge.

With that usage I have just complied, by performing the impressive ceremony of renewing my pledge of support to the Constitution of our State, and common country, appealing to Heaven for the integrity of intention, with which I undertake the discharge of public duties; and custom requires that I should, in the presence of the Representatives of the people, repeat my vows of faithfulness to the public interests, to the charter of our liberties, and of my earnest co-operation with you and your successors, in consulting for the good of our common constituents and for the glory of the State.[2]

[1] *House Journal,* 1834-35, pp. 37-40. Also printed in *Senate Journal,* 1834-35, pp. 28-33.

[2] Following the delivery of Noble's message on the afternoon of December 2, the Senate returned to their chamber for a brief period and then returned to the House for the ceremony of opening and publishing the returns of the election for governor and lieutenant governor held the previous August. For the election returns see below, 607-10. This was completed the following morning, and the Governor's inaugural message was delivered in the afternoon of December 3.

Whilst the experience of one term, as the Executive of the State, has taught me how easily the most ardent aspirations and upright intentions, may fail in the accomplishment of ends designed for the public good, a re-election to the same high office encourages the hope, that my past labours in the public service have not been wholly unavailing and unacceptable to my fellow citizens; and for this most gratifying manifestation of their continued regard and confidence, I avail myself of this auspicious moment to express to them, through their Representatives present, my grateful acknowledgements, and to assure them, that the measures taken and found to be consonant with the public interest and sentiment, thus sanctioned by them, shall be urged onward, on my part, with a zeal commensurate with their importance.

Of these measures, that of establishing and maintaining public schools has been a favorite one, and if prosecuted as it should be, will lead our youths in the path to fame, wealth, and rational gratifications of the mind, and elevate the character of our State. The venerable statesmen who framed, for us, that constitution which we have each promised to respect, in the discharge of legislative and executive duties, have declared that "public instruction is necessary to the preservation of a free government," and as that instrument enjoins it upon you to make suitable provision for the support of common schools, so far as anything remains to be done, in the least calculated to advance that object, the duties of the Legislature will not be fully discharged. Let us then acquit ourselves of our respective obligations by a use of the means and an exercise of the appropriate powers granted, for it may be safely affirmed, that our laws for the preservation of public peace, for the suppression of vice, and the prevention of crime, will be inoperative, until from the proper means of information and a just sense of duty, our citizens shall all respect them, and be too proud and too honourable to evade their injunctions. It is not legal liability nor a fear of punishment that will command obedience to public law, but our admiration for those institutions, which respect private and political rights and secure us in our persons and property.

Next to the preservation and perpetuity of our plan of self-government by affording the necessary means of instruction, it will be our province and duty to encourage agriculture and commerce, by diminishing the labour, expense and risk of our citizens in vending the proceeds of their industry, and thereby augment public resources and private wealth. To realize benefits that would flow from these, we must in part, rely upon the improvement of our artificial and natural channels of communication for the conveyance of our heavy commodities to market. We must, by perseverance and a wise application of the means under our control, hasten the completion and extension of the public works in which we are now engaged. These, however, will accommodate but a portion of our citizens—other avenues will be needed; and if not mistaken in the indications of public sentiment, our fellow citizens in the eastern section of the State now demand a line of canal along the valley of White-water—those of the interior urge their claims for a similar work, pursuing the course of the White rivers. The intersection of these proposed lines with the Wabash and Erie Canal, by the way of the Mississineway, with a suitable number of railways projecting to and from the interior of the State, where no canaling facilities are afforded, may be so arranged as to constitute an acceptable general plan, that will extend its benefits to every portion of the State. I do not however advance the opinion that all the routes alluded to are entitled to the immediate patronage of the State, nor that they should all be commenced during my second term of service; but I feel assured, that the day is not remote, when the public exigencies and sentiment will force them upon the attention of the Legislature; and in reference to the ultimate ability of the State to accomplish so much, relying upon her own energies and resources, or upon those, combined with individual patronage, it remains for us only to look at our peculiar situation in the territory of the United States, to the streams constituting our eastern and western frontier, to those interspersed through the interior, to the lake on the north, to our minerals, our rich forests and our climate, to our superior soil, our towns and villages, to our un-

precedented increase in population and to the industry, public spirit and enterprise of our inhabitants, and a view of these will quiet all doubts upon that subject.

In our future annual meetings, there is but little hope of my having much cause to congratulate you with improvements in military science. That branch of the public service, once the pride and boast of our citizens, has fallen far behind "the spirit of the age," and has grown odious to Legislation and to the public. It is prostrate, and cannot be resuscitated until shorn of its obnoxious features, by the interposition of the national arm. Believing, therefore, that the people neither see nor feel the utility of a service which is a severe tax upon their time without any visible improvement, I shall not deem it my duty to urge changes in a system, the evils of which cannot be remedied by State legislation, and which has no hold upon the affections of our citizens.[3]

On account of the five years exemption of the new lands from taxation, the expenses of the government have been borne, in a great measure, by the people of the older counties. That grievance will however be soon removed by the late surrender of Indian title, over the northern section of the State, and that it may further abate, every encouragement should be afforded to the settlement of the new districts. These considerations, with that of providing for the wants of the new population, will require additional local regulation, and in adding the new territory to our civil jurisdiction, I will afford such assistance as may be in my power.[4]

[3] This Assembly memoralized Congress to pass a law limiting "the enrollment of the militia to the able bodied free white male citizens of the United States, between the age of twenty-one and forty years, and provide for the more speedy arming and better disciplining of the militia of the several states by the general government, with such other provisions as Congress in their wisdom, may think proper to adopt, in order to render the military system more efficient and less burdensome." *Laws of Indiana,* 1834-35 (local), pp. 262-63.

[4] Laws were passed at this session creating fifteen counties, embracing all the unorganized territory in the state. The new counties were Adams, De Kalb, Fulton, Jasper, Jay, Kosciusko, Marshall, Newton, Porter, Pulaski, Starke, Steuben, Wells, Whitley and Noble. Objections that such wholesale creation of new counties was done as an aid to land

In various sections of the State our present plan of supplies to the Treasury, is creating discontent, on the ground that its exactions are oppressive to the land holders, and it is probable the Legislature, at its present or a subsequent session, will be called on to abandon the existing plan and introduce that of the ad valorem system.

For the support of government, the burthen of taxation should be distributed equally, and levied from capital actively employed, from real and personal estate, in proportion to the productive quality of each, much of which will escape contribution, except under the operation of the ad valorem system.

Between the specific and ad valorem modes, my judgment has always chosen the latter, on account of its equity, and because it is the only one that will reach every class of our citizens, but in consequence of the disparity in the value of landed property in the old and new districts of the State, I have hitherto doubted the policy of a change. It is contended, however, that the relative disproportion does not exist to the extent supposed, and can only be traced in a few counties.

The first step necessary towards an ad valorem system, that of procuring a schedule, including every description of property that should be made liable to contribution, with the value of each, will afford information that will enable the Legislature to act advisedly upon the measure, and the proposed change can either be suspended or consummated, as may be found expedient. With that view I will favor such measures as may lead to the desired change.[5]

speculation were overridden by the arguments that their formation would advance land sales and hasten settlement.

The organization of these "paper" counties was not provided for in the formation laws, and jurisdiction remained temporarily as it had been, with the new counties attached to those already organized. Six of the fifteen were permitted to form a county government the following year and the others soon achieved independent jurisdiction. It is interesting to note that five of the fifteen counties formed "in the dark," so to speak, still retain their original boundaries. Pence and Armstrong, *Indiana Boundaries,* 64-66, 67, 69, 182.

[5] See above, 315n-16n.

In the event that the proposed improvement in our revenue system is effected during my second term of service, I shall deem it the proper time to say something in behalf of our State and judicial officers.

It is well known to you all, that at the period of the organization of our State government we were poor, and that our revenue was derived from little more than 60,000 inhabitants, and consequently, was insufficient to allow liberal salaries to those officers. Since that time, we have advanced in population to near half a million, our resources and wealth have increased in equal ratio, and yet no additional compensation has been allowed for the vast increase of business that has devolved upon them, and it is a remarkable fact, that while our inferior judicial officers, the justices, in many of our business villages, are receiving, in perquisites, more than a thousand dollars per year, those who adjucate, in the last resort, upon matters involving life, liberty, and fortune, receive but seven hundred, a sum entirely insufficient to support them, to enable them to purchase books necessary to a proper discharge of public duty, and one which, after a life spent in the public service, must, in old age, leave their families in poverty.

Our citizens are too just and too generous to refuse their public servants a reasonable compensation, and during the remainder of my constitutional term of service, it will afford me some gratification to share in the responsibility and honor of making better provision for these officers, a measure so necessary for the public service and for the honor of the State.[6]

My views of public policy, generally, having been fully given in my communication with the Legislature and elsewhere, I have, in much brevity, noticed some of the prominent measures that should be acted on during my continuance in office. I now enter upon the duties of the situation to which I am again called by the kindness of my fellow citizens, with a zeal, inferior only to my consciousness of an inability to a proper discharge of its duties. Relying, however, for aid upon that Being, of whose providential care we have so many evidences, and upon the support and in-

[6] See below, 492-93n.

dulgence of the Legislature, I entertain the hope, that my official course may prove honorable to myself and beneficial to those over whose general interests it is my honor to preside.

N. Noble

Treasurer's Report[1]

Treasury Department,

Indianapolis, Dec. 6, 1834.

The Treasurer of State in obedience to the directions of the "act concerning the Auditor of public accounts and Treasurer of State," submits the following report of the revenue and expenditure of the State, from the first of December, 1833, to the 30th November, 1834. There was a balance remaining in the Treasury, at the close of the fiscal year, of.....$ 16,899 29

Receipts during the fiscal year, from revenue of 1832.....	15 71	
Receipts during fiscal year, from revenue of 1833.....	34,482 62	
Receipts during the fiscal year, from revenue of 1834.....	1,961 06	
		36,459 39
Rents paid by Superintendant State Prison.....		700 00
From sale of Michigan Road Lands.....		42,184 19
From sale of Lots, &c. at Indianapolis.....		6,496 04
From sale of College Lands		1,660 30
From sale of Mortgaged Lands		772 94
From sale of Saline Lands		2,442 54
Loans of College Fund, refunded.....		5,838 25
Loans of Indianapolis Fund, refunded.....		6,541 90
Loans of Saline Fund, refunded.....		250 00
Interest of College Funds		2,197 37
Interest of Indianapolis Funds		559 90
Interest of Saline Funds		219 75

[1] *House Journal,* 1834-35, pp. 70-72.

Estates without Heirs	118 28
Rents of Salt Lick Reserves	366 23
	$123,696 37

The Expenditures during the same period, have been:

Pay and mileage of Members of the Legislature, including Clerks, Door-keepers, and Stationary	16,949 52	
Printing for last, and Stationary for present Session	5,835 92	
Specific appropriations	2,168 08	
Contingent expenses	939 35	
Premium for wolf scalps	751 50	
Pay of Probate Judges	2,115 00	
Pay of Executive Officers	2,750 00	
Pay of Judges	7,615 59	
Pay of Prosecutors	1,114 44	
Pay of Adjutant and Quarter-master Gen'ls	125 00	
		40,364 40

Payments on account of State House	16,433 83
Payments on account of State Prison	2,856 62
Payments on account of State Library	100 00
Payments on account of Salt Springs	61 42
Payments on account of Presidential Election	6 00
Payments on account of Indiana College	1,706 88
Payments on account of Seat of Government	342 23
Loans of College Funds	8,772 25
Loans of Indianapolis Funds	5,793 66
Loans of Saline Funds	2,650 00
Michigan Road Scrip redeemed	42,060 32
Canal Fund expended	49 00
Conscientious Fines distributed	12 00
Saline Fund expended	39 75

Michigan Road	123 87
Balance in the Treasury December 1st, 1834	2,324 14
	$123,696 37

The available means of the Treasury for the ensuing year, may be estimated as follows:

Cash on hand 1st December, 1834	2,324 14
The revenue of 1834, to be paid subsequently to 30th November, 1834	42,500 00
Amount to be reimbursed from Indianapolis Fund	5,161 30
Rent from Superintendant of State Prison	700 00
	$ 50,685 44

The Expenses of the year may be estimated as follows:

Salaries of Judges and Prosecutors	9,000 00
Salaries of Executive Officers	2,600 00
Printing, Stationary, distributing Laws, &c.	5,500 00
Legislature	17,000 00
Contingent and specific appropriations	2,500 00
Probate Judges	2,500 00
Wolf scalps	800 00
State Prison	800 00
State Library	100 00
Adjutant and Quarter-master Generals	150 00

The Treasury is also liable to the following existing claims:

Outstanding Warrants	128 75
Salaries and other claims not Audited	1,900 00
College Fund in Treasury	1,667 64
Saline Fund in the Treasury	222 54
Militia Fines to be distributed	519 40
	$ 45,388 33
Leaving a balance in Treasury, Dec. 1, 1835, of	5,297 11

The sparseness of payments on account of sale of lots at Indianapolis, caused by the "joint resolution of the General Assembly

for the benefit of State debtors," has made it necessary to advance from the treasury *proper,* to the amount of five thousand one hundred sixty-one dollars and thirty cents, to meet the payments to the undertakers of the State House, founded upon the estimates furnished by them, to the Commissioners.

This amount advanced agreeably to the provisions of the "act supplemental to an act to provide for the erection of a State House," passed Feb. 2, 1833, may be expected to be reimbursed from the Indianapolis Fund, so soon as the period for which the debts were suspended, shall have expired, and is, with that view, embraced in the estimate of the available means of the treasury for the coming year.

It will be seen that the disbursements on account of the State Prison, exceed the estimates of the last report of the Treasury, rising two thousand dollars.

This discrepancy has arisen from the improvements authorized by law under the commissioner appointed for that purpose. The latitude and discretion given in the extent of the improvements authorized to be made, together with the absence of any estimates or other data in this office, by which the amount of expenditure could be anticipated, did not, at that period, nor can at this time afford any criterion upon which the Legislature may be apprised of the probable amount which may be required of the Treasury for that service.

The practical operation of the law, which appropriates the delinquent land tax for the purpose of a common school fund, has shown that the act is greatly defective. In 1832, not more than about one third of the counties made returns, and in 1833 a still greater neglect. The returns which have been made, are many of them so very imperfect, as to fail entirely to meet the objects of the law. Enough has been ascertained, however, to prove that the annual accumulation of this fund, would in a few years, under proper regulation and management, produce a fund cheering to the friends of education, and creditable to the enlightened legislation which prompted the enactment of the law.

All which is respectfully submitted.

N. B. Palmer, Treasurer of State

Commissioners to Superintend the Erection of the State House: Report[1]

INDIANAPOLIS, Dec. 6, 1834

TO THE HON. THE GENERAL ASSEMBLY OF THE STATE OF INDIANA.

The undersigned, Commissioners to superintend the erection of the State House, respectfully report, that during the past year the progress of the building has been such as to satisfy them that it may be completed at least one year sooner than is required by the contract; and this the contractor proposes to do, provided that the payments can be made as the work progresses. This we think can be done, except the amount required by law to be reserved until the building is completed. The workmanship and materials are thus far, in the opinion of the Commissioners, equal to the requisitions of the contract. Sixteen thousand four hundred and thirty-three dollars eighty-three cents has been paid to the contractor for work done and materials furnished between the 1st Dec. 1833 and the 1st Dec. 1834.

Several alterations in the plan of the building have [been made], none of which will materially augment the cost, and several of them we believe should be made. It has been proposed to place the stairs at the outside instead of the centre of the rotunda; to make *sky lights* for the two Halls; to have for the second story, first a rough floor, then a covering of lime and mortar, and then a floor of thin plank, which it is supposed will

[1] *House Journal,* 1834-35, p. 147. The House committee to which this report was referred, deemed it expedient to complete the building for the reception of the next meeting of the Assembly "if that object can be effected without embarrassing the State treasury," and ordered the committee on the affairs of Indianapolis to "enquire into . . . the probable amount of money which can be raised from the sale of the remaining unsold lands, belonging to the Indianapolis donation for the purpose of ascertaining whether the State-house can be completed without drawing upon the State treasury." *House Journal,* 1834-35, p. 331. See *ibid.,* 405, for the committee's reply to this resolution. The probable value of the unsold lots was estimated at $7,200; no provision was made for their sale at this time. See below, 351-52, for report of commissioners on expenditures made on the State House.

lessen the noise from below, and be a great security against fire. The Senate Chamber might also be altered according to a drawing exhibited by the contractor; but the Commissioners do not think that the galleries for the Representative Hall should be dispensed with.

In conclusion, they beg leave respectfully to suggest that provision should be made for enclosing the State House square, perhaps for the present with a good fence; that the appointment of a person to be specially charged with the protection of the building should be authorized by law, and that the defacing, injuring, or endangering the building should be prohibited by sufficient penalties.[2]

Respectfully submitted,
N. Noble,
M. Morris,
S. Merrill.

Enoch McCarty to Noble[1]

At Home Decr. 7th 1834

Dear Sir— I some times at my fire side think of politics—the situation of our state and the nation at large—That he is the only patriot who will risk himself in the hour of danger. On my part I have not individually my own interest in view, in making the following suggestion. I would urge the propriety of districting the state anew for the election of members to Congress or if that cannot be done—elect them by the general ticket plan—in doing this it would lop off some Excrecencies—and not only that upon the general ticket made it would tend to harmonize the future delegation in Congress from the states, cut up local district fealings, and give more weight and dignity to the state—other considerations might be mentioned—if time would permit—I mention this subject that it may be put on foot as early

[2] See above, 327n, for legislative action during this Assembly relative to the State House.

[1] ALS. ISL: Indiana Division, Noble Papers.

as possable[2] I may be out in a few days or may not I [am] in common health your friend

ENOCH MCCARTY

[Addressed:] His Excellency N Noble Indianapolis

[Postmarked:] Brookville Ind Decr 10

Daniel Drake to Noble[1]

CINCINNATI Decr. 20th 1834

SIR, I have the honor to send you a newspaper containing an article on commercial hospitals in the vallies of the Mississippi and the lakes, by the general government. Should the views which it presents meet your approbation, I hope you will recommend to the legislature of your state to memorialize Congress on the subject.[2]

I have the honor to be most respectfully your obdt. servt.

DANL DRAKE M D.

HIS EXCELLY. GOV. NOBLE

John Tipton to Noble[1]

WASHINGTON 7th Jany 1835

DEAR SIR In reply to your letter of the 27th last mo. I have to inform you that the objections to the Treaty are not such as

[2] A new apportionment had been made in 1833. Another was not made until 1843. McCarty apparently was suggesting that the seven representatives be elected from the state as a whole rather than one from each of seven districts.

[1] ALS. ISL: Indiana Division, Noble Papers.

[2] A joint memorial to Congress was adopted pointing out the need for the establishment of hospitals at such points along the Ohio River as would afford relief to sick and disabled boatmen who navigated that stream. In the absence of such hospitals these unfortunates were either left to perish or become a burden on some family living along the river. Since the river was navigated by persons of all states, it was felt proper that Congress should appropriate funds for the establishment of these hospitals. *Laws of Indiana,* 1834-35 (local), pp. 271-72. The question had come up earlier during Governor Ray's administration; Congress had failed to act on a joint resolution passed in 1830. *Messages and Papers of James Brown Ray,* 480.

[1] ALS. ISL: Indiana Division, Noble Papers.

you have heard. the P objects to a provision obligeing the P to use his *influance* to *purchase* from Indiana for an Indian the *six chain* of land secured to her for canal purposes by the Treaty of 23 octr 1826. he objects to 10 sections being reserved *on the canal line* and he objects to goods payments *contrary to law* his objections woud be yours if you were to read the Treaty, but sir it is not lost The Treaty will be *modified* and ratified or I am mistaken.[2]

The Wabash bill has this moment passed the senate by a good majority. some of its friends were out. Benton and McKean voted for it. a majority of the whole senate are for the bill.[3]

I incline to think that Clays land bill amended by the *graduation principle* will pass. I hope that our Legislature will organize a board of internal improvement and commence a suitable number of necessary works.

Yr obt sevt

JOHN TIPTON

HIS EXCY N NOBLE Indianapolis

2 Tipton is apparently referring to the treaties which William Marshall had negotiated with the Miami Indians, but which the President had refused to send to the Senate for ratification. See above, Hendricks to Noble, September 19, 1834, with note. Abel C. Pepper, who succeeded Marshall as Indian agent, was able to effect such modifications as to make the treaty acceptable to the new president in 1838. The cession obtained by Marshall in 1834 was estimated by Tipton at 200,000 acres. The government was to pay $1.00 per acre for the land ceded; from this they were to deduct $60,000 worth of goods given the Indians and $27,000 in debts owed by the Indians which the Federal government assumed. Regarding President Jackson's refusal to accept the treaty negotiated by Marshall, the Connersville *Watchman* commented: "We understand that the main object of the President is to secure the removal of the Miamies west of the Mississippi. It is pretty generally believed that the Miamies can never be induced to make this removal. They know the value of their lands and calculate that they have not only greater security, but also greater advantages by remaining here than they will have upon removal. Richardville has declared that he will never treat with the Government again." It was not until 1840 that the main body of the Miami left the state. *John Tipton Papers,* 3:78, 79, 297-98; Kappler(ed.), *Laws and Treaties,* 2:425-28; Connersville *Watchman,* May 16, 1835.

3 Tipton spoke in the Senate on December 16, urging an appro-

Commissioners to Superintend the Erection of the State House: Report[1]

January 9, 1834 [1835]

To the President of the Senate:

The commissioners appointed to superintend the erection of the State House, in compliance with a resolution of the Senate "requesting of them a brief statement of the contract made with Ithiel Town for building the State House, particularly upon the following points: The amount stipulated to be paid; the conditions of the payments; the amount that has already been paid, and the probable amount that will be required to be paid previous to the time agreed upon in the contract, if the Legislature should direct the Halls to be prepared for their reception next session," respectfully beg leave to report:

That the sum originally agreed to be paid was, fifty eight thousand dollars; that the payments were to be made in the manner directed in the 'act to provide for the erection of a State House,' which authorizes the entire value of approved materials delivered on the ground and two thirds of the value of the labor done on the building to be paid for as it progresses, but the other third of the value of said labor is to be retained until the building shall have been finally completed, examined, and received by a committee of five members of each House of the General Assembly. The amount paid to the contractor, including $716 17 previously paid for stone, is $28,700 00 in all, and it will probably require $21,300 to be paid between December 1, 1834, and December 1, 1835, to have the House in readiness for the next Legislature. There will then be due the contractor about nine thousand dollars, on the approval of the work by the Legislature, on the supposition that the addition of one foot to the height of the basement story, and other alterations that may be made will cost about one thousand dollars. The commissioners have here, the

priation for the improvement of the navigation of the Wabash River. The House failed to act on the bill which passed the Senate. *John Tipton Papers,* 3:85-93.

[1] *Senate Journal,* 1834-35, pp. 305-6.

original contract of sixteen closely written pages ready to be exhibited if required.

N. Noble
M. Morris
S. Merrill

Noble to the Speaker of the House, Veto Message[1]

Executive Department,

Indianapolis, Saturday Evening, Feb. 7th. [1835]

The Hon. James Gregory,

Speaker of the House of Representatives:

Sir—I herewith return to the House of Representatives, in which it originated, the bill entitled "an act authorizing the laying off into seminary districts the county (Orange) therein named, and for other purposes."

The small portion of time allowed me, at the eve of the adjournment, for the consideration of this and the numerous other bills presented by the committee, has been attentively given them, and I now offer to the House several of the objections which have influenced me in withholding my signature from the one returned.

The first section makes it the imperative duty of the board doing county business, in the county of Orange, to lay off that county into Seminary districts, and to appoint one trustee for each district,

The second section authorizes the district trustees to receive all fines imposed for breaches of our penal laws, as well as those arising from exemptions from militia service within that county, and directs all officers charged with their collection to pay them over to the clerk of Orange county, for distribution among the seminary trustees.

The 4th section, in substance, declares that any five citizens of the seminary districts, may avail themselves of the benefit of the fund, by meeting and determining that they will support a

[1] *House Journal,* 1834-35, pp. 625-27.

school any time, not less than three months in the year; and the 5th section provides that when the citizens shall have employed a teacher, from private contribution or otherwise, to take charge of a school, they may call upon the district trustee to apply the seminary fund in payment of the wages of the teacher thus employed.

If the framers of our Constitution could have had a favorite object, in looking through that instrument, the ninth article would seem to designate the cause of education as the mark of their choice. To one acquainted with the then surrounding circumstances, the provisions introduced manifest that solicitude, which our total destitution of the means for education, would have naturally inspired. The act of Congress authorizing the people of the then territory to enter into a State government, with its conditions, was before the convention. By one of its provisions an entire township of land, in addition to the one previously located in Gibson county, was granted to the State for the benefit of a State seminary; and by another provision the 16th section of each township was granted for the use of township schools. These grants having been accepted, the convention by the 1st section of the 9th article, direct that these lands shall be applied to their original destination. But aware of the insufficiency of these grants, in the accomplishment of the objects which they were intended to promote, and of the necessity of other patronage, as well as other intermediate institutions of learning, the convention, by the second section of the article named has said that,

"*It shall be the duty* of the General Assembly, as soon as circumstances will permit, to provide by law for a general system of education, ascending in regular gradation from township schools to a State university, wherein tuition shall be gratis and equally open to all."

Having determined that there should be "a general system of education, ascending in regular gradation from township schools to a State university," but being without means for the endowment of intermediate institutions of learning, the next object of the Legislature would seem to have been the establishment and maintenance of county seminaries, as one of the connecting links

of the "general system ascending in regular gradation &c.," and with that view the 3d section says:

"And for the promotion of such salutary end, the money which shall be paid as an equivalent by persons exempt from militia duty, except in time of war, shall be exclusively, and in equal proportions, applied to the support of county seminaries; also all fines assessed for any breach of the penal laws, shall be applied to said seminaries, in the counties wherein they shall be assessed."

The foregoing recited provisions of the constitution are in conflict with the powers claimed by the bill. These provisions, in letter and spirit, it is believed, will admit of but the one construction, and that is that the Legislature shall apply the moneys arising from exemptions from militia duty to the support, not of district seminaries or schools, but to county seminaries,—that the monies from that source shall not be given to the county in which it is collected, but that it shall be equally divided amongst all the counties for seminary purposes; and that all fines imposed for any breach of our penal laws shall be applied to the support of seminaries in the counties wherein they are assessed. It is upon this interpretation of the 3d section, above quoted, that our whole course of legislation has been based, and as regards the disposition and distribution of the fines, commonly called "consciencious," I refer the House to the 70th sec. of the act organizing the militia, and to the 29th sec. of the act regulating county seminaries, approved Feb. 1831.

If correct, in the hurried view which I have taken of the subject, the objects to be attained by the provisions of the bill returned are such as the constitution will not sanction—with that impression my assent has been withheld from the passage of the bill.[2]

N. Noble

[2] Early in the session Joel Vandeveer, representative from Orange County, introduced a resolution asking that the committee on education be instructed to inquire into the expediency of authorizing the boards doing county business in the several counties to lay off as many seminary districts in the several counties as they thought proper for the promotion and encouragement of education, and further to provide for a more equitable distribution of the seminary fund. The committee

Jonathan McCarty to Noble[1]

HOUSE OF REPS WASHINGTON CITY

February 7—1835

DEAR SIR Your letter of the 26th ultimo came to hand this morning I will in a few days obtain if I can the information you desire upon the subject of Col Stubblefields heirs.[2] You will see by the public papers ere this reaches you that we have had some unpleasant disputing in the house growing out of the falsehoods and mean and disgraceful conduct of *Lane*.[3]

In refference to the presidency of which you speak my own opinion is from present indications Judge White and Van will be the prominent competitors there is I think no doubt but that White will obtain every electoral vote south of the potomac with Maryland and Delaware You are aware that I am for McClain but believing that White and Van will be the strong men and between whom a choice must be made[4] I am not sure Judge McClain will continue he is here I have not conversed with him upon the subject but will soon I do not think Clay will

reported that they deemed it inexpedient to legislate on the subject, whereupon the resolution was referred to a select committee with Mr. Vandeveer as chairman. This committee reported the bill (No. 84) which Noble vetoed. The veto message was read in the last hours of the Assembly on February 9 and no attempt was made to alter the bill or pass it over the Governor's veto. *House Journal,* 1834-35, pp. 45, 83, 183, 420, 425, 426, 468, 516, 588, 608, 625-27.

[1] ALS. ISL: Indiana Division, Noble Papers.

[2] Col. George Stubblefield, formerly of Virginia and a distant relative of Noble, had died in Indiana.

[3] McCarty and Amos Lane had opposed each other on a number of different issues before Congress during the preceding weeks, and it is not certain to which one he is referring here.

[4] Senator Hugh L. White had been brought forward as a presidential candidate by members of the Tennessee legislature in December, 1834. The newspaper established in his interest was called *The Appeal.* The editor's explanation of the name was that the paper appealed to the people and denied the right of a few officeholders and office seekers to control the destiny of the country. The anti-Van Buren members of the Ohio legislature and various citizens of that state had met and named John McLean for the presidency. McMaster, *A History of the People of the United States,* 7:359-62.

run Mr Calhoun will not he is for White most of the opposition to Van who look at the probable result from the various diversified & conflicting interests in the different sections of the union think White's chance most likely to succeed with against *Van*. White as Jack Downing would say has got his dander up against New York as well as most all Tennessee and he will not back out his friends of the Jackson party go against a convention the whole length. there is but two members of the Tennessee deligation who are not decidedly and openly for White. Vans friends are evidently discouraged a White paper has been established here the first no of which will appear on monday the 9th instant

Verry respectfully

J McCarty

Govr Noble

P S The Johnson strength is melting he is now struggling to get upon the back of *Van* which has lost to him many of his best friends[5]

Jeremiah Sullivan to Noble[1]

Madison Feb. 16, 1835

Dear Sir Late on Saturday night I rec'd your letter of the 12th inst. giving the melancholy news of the death of Mr. Linton,[2] and suggesting the necessity of my repairing to New-York immediately. By the mail last night I also rec'd a letter from Mr. McCarty dated at Cincinnati on the 10th requesting me to start for New-York immediately or sending to him authority to sell the bonds already signed.

[5] Richard M. Johnson was Jackson's choice for the vice-presidency, but many of the states were determined not to support him.

[1] ALS. ISL: Indiana Division, Noble Papers. See Nicholas McCarty to Noble, March 2, printed below.

[2] William C. Linton died on January 31, 1835, at Philadelphia while on business for the Wabash and Erie Canal. Samuel Hanna, of Fort Wayne, succeeded him as Canal Fund commissioner on February 12 to serve until the end of the next session of the General Assembly. His appointment to the office was approved by the Senate on February 4, 1836. See below, 443, and *Executive Proceedings, 1816-1836,* p. 687.

My presence at New-York is not at all necessary, and as it would be extremely inconvenient for me to leave home at this time (the courts being now in session) I am confident you will justify me in the course I think of pursuing until better advised.

When the Board of Fund Com'rs was in session during the first week in December at Indianapolis, it was resolved that all the com'rs should sign the bonds to be put in market on the 1st of March, or sooner if practicable & that they sh'd be forwarded by Mr. Town or some other safe conveyance to the Merchants Bank of New-York to be sold by them for our use. The bonds were accordingly signed & I believe forwarded. After the bonds were signed, I suggested myself that as Messrs. Linton & McCarty were going eastward in the month of February to purchase goods, it w'd be more agreeable to me, if they would arrange matters so as to be in New-York on the day the *bids would be rec'd so as to inspect them,* or if both could not be there, that one of them should be. Mr. Linton immediately replied that it w'd be perfectly convenient for him to be their at that time, & said he w'd arrange accordingly. This was done to prevent the Merchants Bank from having any pretext to charge us a commission. As the Bonds are in New-York, signed by the com'rs, an agent of the Board, or any one member of the Board, can deliver them and receive their value. This view of the subject seems to accord with Mr. McCarty's in his letter of the 10th. Altho he would greatly prefer my meeting him in New York on the 1st of March, yet he says if the sacrifice to me is too great to do so at this time, if I will consent to his disposing of the Bonds, he will do so. I will of course write Mr. McCarty immediately expressing my consent as requested, and also reminding him of the determination of the Board at Indianapolis in December.

I would be glad to hear from you again on this subject. I w'd also be glad to know from you *in confidence* who you think of, as Mr. Linton's successor.

Yours &c

JER. SULLIVAN

GOV. NOBLE.

Clerk of the Madison and Indianapolis Railroad to Noble[1]

Madison 18 Feb. 1835

Governor Noble

Dr. Sir I have been instructed to enclose you the within resolution, and I would remark that, the company are very anxious to know how soon an engineer can in all probability be sent on this route. the engineer employed in the fall has been called to the South as an assistant engineer, on a Rail Road in that quarter

The gentlemen that are engaged in the prosecution of the work have engaged in the enterprise with spirit, and as they are men of Capital, but little doubts are entertained of the successful prosecution of the work, and they will be pleased to correspond with you and cooperate with the state as far as she is disposed to assist in the work

Very Respectfully John Sering

[Enclosure]

Office of the Madison, Indianapolis and Lafayette Rail Road Company

February 17th 1835

Whereas R. S. Smith Esqr. the Engineer heretofore employed has from necessity left the service of the Company and left the State under engagements elsewhere,

And whereas the Legislature of the State of Indiana did at their late session pass a law authorising the Governor of the State to employ a competant Engineer to survey and estimate the Cost of a Rail Road from Madison by way of Indianapolis to Lafayette; Therefore

Resolved, That his excellency the Governor be respectfully requested to inform this Company whether in his opinion a competant engineer can be obtained the ensuing summer, and if so whether his services may be expected on this Route early in the

1 ALS. ISL: Archives Division, Secretary of State File.

spring, as it is desirable that the survey should be continued as early in the spring as the weather will permit[2]

Resolved That a copy of the foregoing be forwarded to his Excellency the Governor

A Copy JOHN SERING Clk of the Board

Arthur McClure to Noble[1]

LAPORTE Feb 21st 1835

DEAR SIR after my compliments to you I would first inform you that their is considerable excitement in the minds of the inhabitants of our county with regard the election of clerk of our circuit court their has been an effort made by some of our leading men or at least of their friends to caucus out a candidate and it appears that their is some of the Jackson party that will not be elgable before the first of June next to hold the office and I have understood that they will do all that lies in their power to keep off the election as long as possible if it would be in accordance with your views on the subject I would like to have the election ordered as soon as possible as I am a candidate for the office.[2] I would have been to Indianapolis this month if my family were in health my wife has been confined to her bed with sickness all winter—

I am sir your obt servt

ARTHUR MCCLURE

[Addressed:] Noah Noble Esqr Indianapolis Ind

[Postmarked:] Door Village Ia Feb 20

[2] The law called for "an examination, survey, and estimate" of a route for a railroad or turnpike from Madison by way of Indianapolis, Danville, and Crawfordsville to Lafayette. *Laws of Indiana,* 1834-35 (general), pp. 28-29. This survey was included in those made by a corps of workers under the supervision of Col. Howard Stansbury. See Noble's reply to Sering, February 23, 1835, below.

[1] ALS. ISL: Indiana Division, Noble Papers.

[2] George Thomas, La Porte County clerk, had died on January 19, 1835. Noble issued a writ for an election to fill the vacancy in February. William Hawkins was elected and commissioned on May 15. *Executive Proceedings, 1816-1836,* pp. 497-98.

Noble to the Clerk of the Madison and Indianapolis Railroad[1]

Executive Dept Indianapolis 23d Feby 1835.

Sir, The Copy of the resolution of your Rail Road company which you forwarded me in accordance with the order of the company, I recd by the last mail.[2]

Aware of the extent of the service required of me, and of the difficulty to [be] encountered in procuring the services of competive [competent] Engineers, upon the passage of the bill at the close of the recent session of the Legislature, the Hon Mr Smith of the H. Reps from Fayette was made the authorised agent of this Dept. to proceed to Washington for the purpose of applying, through our delegation in Congress, to the proper dept of the General Government for Engineers to perform the work; and if unsuccessful, then to proceed to Pena. and elsewhere until he can obtain gentlemen of well established reputation in the science of engineering Mr. Smith has been authorised to negotiate for the professional services of three principal Engrs. and was requested to urge the necessity of taking the field as early as possible, from the middle of March to the 1st April. Upon Mr. Smiths success, much depends, as you must perceive, there being no Engineers, of sufficient attainments, now disengaged, as I suppose in the West. From a conversation I had with the Hon. J. H. Wallace I had relyed upon the aid of Mr. Smith upon your line and I regret to learn that I am to be disappointed. In my further reply to the resolutions of the company I can only say, that I am resolved to comply with the instructions of the legislature if at all practicable and if the object of Mr. Smiths trip East should fail other measures will be put on foot to accomplish the end. I will take great pleasure in announcing the result when I hear from Mr Smith and in the mean time if the company can make any suggestions calcu[la]ted to aid the commencement and progress of the work, I will gladly receive it.

With respect I am Sir yr respectful svt

N. Noble

Jno Sering Esq Clk of Rail R. Compy

[1] ADftS. ISL: Archives Division, Governors' Correspondence.
[2] See Sering to Noble, February 18, above.

[Memorandum on reverse of sheet:] Wm. Sheets Esq. Copy this with such changes as seem best & say I recd the resolution on starting & that you retain the original at my request & oblg truly NOBLE

Nicholas McCarty to Noble[1]

NEW YORK March 2 1835

MY DEAR SIR Your letter of the 12th ultimo never reached here till this day and I have bearly time to write in time for this days mail. Neither of my assosiates have arrived, but on the melancholy tideings of the death of Mr. Linton, I wrote to Mr. Sullivan and have this day received his letter authoriseing me to act &c. And shall at this date in writeing direct the Merchants Bank to pay out of the Canal Funds to the amount of five thousand dollars any drafts you may make, signed individually or officially as you may choose, not knowing the precise form you may wish to adopt. Should Mr. Smith wish funds, they shall be promptly advanced agreeable to yr request. 700 [200] thousand dollars 5 per cent Indiana bonds was on Friday taken by Mess. Prime, Ward & King at 102 5/100 dollars for each 100$ stock and on Saturday 100 thousand dollars with the premium on 150 thousand was paid into the Merchants Bank. Consequently the interest on the temporary loan ceased on that day 50 thousand dollars is paid in this day to the bank which will draw interest under former contract at 4 pr ct pr annum.

With much esteem your friend

NICHOLAS MCCARTY

GOVNOR NOAH NOBLE Indianapolis Indiana

Silas L. Halbert to Noble[1]

MT PLEASANT March 11th 1835

DEAR SIR I have taken this method to inform you that Jacob Conary the Coroner Elect for the county of Martin who was

[1] ALS. ISL: Indiana Division, Noble Papers.

[1] ALS. ISL: Archives Division, Governors' Correspondence.

elected at the last general election has failed to give Bond and qualify as the law directs as I know from my own certain knowledge that we will stand in need of a coroner I thought it my duty to inform you of the vacancy. it would not be worthwhile to issue a Writ of Election because that office is rearly sought after by men qualified to fill it and it is likely no one would attend an Election for that office alone consequently it would be better to appoint untill the next General Election. Sandford Brown says he will serve if appointed he is well qualified for that office and I believe he is the only man in the county that would take it and he would not be [except] he is acting as constable—Yours Respctfuly

SILAS L. HALBERT, Clk

N. NOBLE GOV.

[Endorsed:] Appointed N Noble Issd 20 March 1835[2]

John Hager to Noble[1]

GREENFIELD March 24th 1835

HONORABLE SIR I take this opportunity to inform you that Col. Othniel Sweem who at our last annual Election was elected one of our Associate Judges has removed from our County and is not expected to return. there is also a vacancy in the office of Coroner the Coroner last elected not having complied with the requirements of the Statute. I take the liberty of recommending to your Excellency Lyman Chittendenden as a suitable person for that office I do not know that a case will occur between this and the August Election that we shall particularly need the aid of the A [Judge] such case may however occur. I wish you to be [gove]rned with respect to ordering an Election to [fill] said vacancy by your own feelings.

Yours Respectfully

JOHN HAGER[2]

[2] Brown was appointed coroner on March 20, 1835. He was elected to the office the following August. *Executive Proceedings, 1816-1836,* p. 523.

[1] ALS. ISL: Archives Division, Governors' Correspondence.

[2] Clerk of Hancock Circuit Court.

[Addressed:] His Excellency N Noble Governor of the State of Indiana Indianapolis Ind.

[Endorsed:] Hancock Appt. of Coroner Issd 26th March 1835 Writ of election for Associate Judge issd 26 March 1835[3]

Robert M. Evans to Noble[1]

Evansville March 25th 1835

His Excellency Noah Noble

Sir It is understood that the Honble Saml. Hall Judge of the 4th Judicial Circuit will resign that office in a short time. Permit me to say to your Excellency that the appointment of Charles I Battell Esquire to fill the vacancy, would, in my opinion, give more general satisfaction to the citizens of this circuit than the appointment of any other person whatever. Indeed Judge Halls resignation has been anticipated for some time past and I am tolerably well acquainted with public opinion on the subject of his successor[2]

Permit me to call your attention to the subject of the appointment of an Engineer to survey the rout of a rail road from Evansville to Vincennes.[3] The citizens generally are extremely anxious that the rout should be surveyed at as early a period as possible—not knowing what your calculations are with respecting the selection of an Engineer I take the liberty of suggesting first that if an experienced engineer from the U. S. Corps could be

[3] Chittenden was appointed coroner on March 26, in place of James B. Stevens who had failed to qualify for the office after being elected. Though a writ of election for associate judge was issued on the same day, no commission for that office was issued until August, when Nathan Crawford was commissioned to succeed Othniel H. Sweem, removed. *Executive Proceedings, 1816-1836,* p. 682.

[1] ALS. ISL: Archives Division, Noble Papers.

[2] Battell was appointed April 2 to serve until the next Assembly. The Assembly elected Elisha Embree to the judgeship of the Fourth Circuit and he was commissioned on December 11. *Executive Proceedings, 1816-1836,* p. 310.

[3] The survey of such a route was among the surveys ordered by the Assembly. See above 323n.

obtained at an early period perhaps this would be best, but as an early survey appears verry desirable, and if an Engineer from the U S Corps cannot be obtained at an early period I take the liberty of recommending Mr. Edward Smith of Mount Carmel Illinois as a suitable person I have no personal acquaintance with Mr. Smith, but from his know[n] character here as a skilful Engineer I have corresponded with him on the subject. he is willing to undertake the survey at as early a period as we may wish. There is also a highly respectable and talented young man of my acquaintance, Mr. Robert Fauntleroy, who I would be pleased to see associated in some way with the Engineer who surveys the rout merely for the purpose of obtaining practical experience as I consider him one of the most promising young men of the west particularly as a mathematician If properly encouraged I have no doubt but he is destined to become an ornament and advantage to Indiana

Please excuse the liberty I take and believe me to be as usual Your Excellencys sincere friend &c

R. M. Evans

PS. Since writing the above I have seen and conversed with Mr. Battell—he entirely concurs with me in my views relative to an Engineer, that is that one from the U. S. Corps would be preferable, but if such cannot be obtained at an early period, that Mr. Smith will be found quite competant; he suggests, however, that perhaps one can be obtained from the U S. Company now at Terre-Haute. He mentions Capt. Ogden, Lt. Mortimer and others—Please Honour me with a line on the subject

R. M. E.

Charles I. Battell to Noble[1]

28th March, 1835

Dear Sir I hardly need tell your Excellency after sending so many reccommendations, that I am a candidate for the office of Presiding Judge of this, the fourth Judicial Circuit. I have no

1 ALS. ISL: Archives Division, Governors' Correspondence.

opposition as I am aware of, as intimated in one or more of the letters enclosed. Of course I am desirous of the office, or I should not tender my resignation of my station as senator of this district. I am not aware of any objection to my appointment; it being my opinion as well as all of the intelligent members of the bar and others with whom I have conversed, that after the resignation of my present office, I am no longer a *member* of the General Assembly, so as to be inelligible, under the 20 Section 3d article of constitution[2]

We all regret Judge Halls resignation He was a most excellent Judge, gave universal satisfaction, and it will be long, I fear, before his place in this circuit will be supplied—

I am with sentiments of friendship yr obt st

CHAS. I. BATTELL

His Ex: NOAH NOBLE ESQR

[Endorsed:] Appointed Apl 2d 1835 N. Noble

Seth M. Levenworth to Noble[1]

MARTINSVILLE March 30th 1835

DEAR SIR The Directors of the Levenworth and Bloomington rail road is met in this town this day have ordered books opened &c and intend to go on with the worke as fast as circumstances will permit we have no doubts in the lower counties sufficient stock will be taken As to the uper counties we can not say what at this time will be done but the Board are determined to have a survey of the whole road made and reported to the next Legislature and put in a claim for a reasonable share of any appropriation which the state may make for internal improvements and regret the Legislature did [not] consent to survey this rout at the expense of the State when so many others were ordered but we shall claim that at the next session and we have no doubts but that the State will pay it We thought it adviseable to correspond and know where we could obtain an experienced engineer and can

[2] See note 2, p. 363, above.

[1] ALS. ISL: Indiana Division, Noble Papers.

obtain one from New Yorke as you will see by the letters I forward you with this but as proberbly we will do nothing or much more this season than make the survey and prepare for active opperation next season we would not be able to imploy him the whole season Perhaps you could give him imployment the balence in the service of the State or perhaps you could order the survey for us by some competant engineer you had in view we furnishing all the core but the principle we paying the expense We will have to purchase the proper instruments to make the survey accept the state has them which we can get the use of The Board thought it adviseable to consult you upon the above subject and request you if in your power to so far cooppertate with us and advise us what you could or would do in the premises and what you would advise us to do in the premises Be so good as to write me by the bearer or if you should not see him on account of absence then by the first mail after your return as it is important we give Mr. Clarke an answer what we will do about imploying him Do not fail to write me as I shall detain for your answer being the corrisponding agent of the company I was authorized by the Board to write you and make this request of you Address me at Levenworth as I shall return there immediately[2]

I am yous sincerely

S. M. Levenworth

The Hon. Noah Noble

[2] Levenworth was president of the Levenworth and Bloomington Railroad Company which had been incorporated by act of February 1, 1834. The company went ahead and had the route surveyed for the railroad, employing Professor E. N. Elliott and two students from Indiana College. Their report and a covering letter of Levenworth are printed in the *Senate Journal,* 1835-36, pp. 517-29. The report suggested an extension of the route north to Lake Michigan, and Levenworth asked that the original charter of the company be amended to permit this; he also asked the state to pay the expense of the survey amounting to approximately $1,600.

He and the other directors of the company were doomed to disappointment, for although Senator Richard W. Thompson worked diligently to promote the interest of the company during the following session of the legislature, none of their proposals were enacted into

Noble to Howard Stansbury[1]

EXECUTIVE DEPARTMENT

INDIANAPOLIS, 24th April, 1835

SIR—At the late session of the Legislature of the state, the adoption of a connected and general plan of Improvement affording commercial facilities to every section, was the measure occupying most of the deliberations of the body, but the absence of such facts and information as seemed indispensable, prevented the adoption of any. To enable the Legislature at its next session, to act advisedly in the premises, and to determine upon the relative claims of Canals and Rail-ways, on the patronage of the State or the two modes of conveyance combined, the surveys and estimates provided for by the law, of which you have a copy, were ordered.[2]

The law, as you will discover, would seem to leave it for the Governor to determine whether the surveys upon the Madison and Lafayette, and New Albany and Crawfordsville lines should be for a *Rail-way* or a Turnpike; it is believed, however, that it was the wish and intention of the Legislature to include both. There are no means by which to ascertain, whether the Legislature designed the surveys and estimates should be for double or single tracks, the law being silent on the subject, but as a single track would not be of great value to the public, it is thought advisable to make them with a view to the construction of a double

law; attempts to include the railroad in the mammoth internal improvement bill also failed.

Levenworth was an early advocate of railroads as preferable to canals. One of his speeches on the subject, delivered while serving in the House of Representatives during the late 1820's, was considered sufficiently noteworthy to merit publication in the Indianapolis *Indiana Journal.* His brother Zebulon was operating a stage line between Levenworth and Indianapolis by way of Bloomington in 1835. *Indiana Magazine of History,* 18 (1922) :155.

[1] *Senate Journal,* 1835-36, pp. 118-20. Stansbury, a civil engineer in the service of the Federal government, was requested by J. J. Abert of the Topographical Bureau, on April 10, to report to Governor Noble and inform him that he was ready to superintend the several surveys for which the state of Indiana had applied to have an engineer detailed. *Senate Journal,* 1835-36, p. 118.

[2] See above, 322n-23n.

track, but if found that it will not require much additional time and expense, estimates for each will be preferred.

The examinations and surveys upon the Lawrenceburgh line, as you will perceive, are to be made "under the direction of a board of directors," organized under the charter granted the Rail Road Company on the line.

Upon the lines from Evansville to Vincennes and to Terre-Haute and from Lawrenceburgh to Indianapolis, the surveys will not include Turnpikes.

In the construction of her public works, it has been the policy of the State to embark in none of a temporary character, therefore the estimates should embrace materials and structures of a durable and permanent kind only.

Not intending to engage in any work of doubtful expediency or utility and desirous of avoiding the evil consequences of low estimates upon the proposed lines of Rail-ways, Canals, and Turnpikes, the Legislature incorporated that provision of the 20th section, which directs the verification of the reports to be made by the affidavits of the principal officers in charge of the several lines.

Taking the law, with this letter of instruction for your government, you will proceed to organize four parties, with as little delay as possible, and place them on the lines commencing at Lawrenceburgh, Madison, New Albany, and Evansville. You will upon your arrival at New Albany confer with John K. Graham Esq. and if instruments can be obtained, and you find a fifth party necessary to the completion of the whole work by the time named in the law, (the commencement of the next session of the legislature,) you will direct him under your superintendance to commence the work of the Vincennes Turnpike, authorizing him to procure the necessary outfit.

In the expenditure of public funds hitherto, it has been the object of the State to introduce and establish a strict economy and accountability which should be observed, also in the prosecution of the surveys placed under your superintendance.

The funds necessary for the service, will be paid on your requisition, and this department will hold you accountable for the same,

for which purpose it will be necessary for you to make to the Auditor of the State a quarterly report, with vouchers containing a satisfactory referrence in detail to the items of expense pertaining to the accounts of each party of Engineers, beginning with the quarter ending the 31st of May.[3]

When organized you will require each principal Engineer to transmit to the Auditor an inventory of the camp equipage and a roll with the names and per diem or other rate of compensation of each individual of the party, and when the work is completed you will cause a safe conveyance of the tents and other public property to be given for the seat of government.

(Signed.) N. Noble

Col. Howard Stansbury, United States Civil Engineer.

Daniel Sigler to Noble[1]

Greencastle Putnam May 20th 1835

Sir— I recd yours a fieu days since informing me that the Engineer had commenced our survey—[2] We have had a meeting and appointed a committee to meet him and give him all the information they can afford respecting the country through which he has to pass Your letter to me was made publick at our Batalion muster and its contents pleased the people very much to see that you took an intrest in a mater that very much intrested them our candidats all have come out in favor of internal improvements on the plan of the last general assembly we have 6 candidates 2 of 3 will be elected that are in the field—the 3 are Daniel Harrow James Duffield and John C Chiles an Eturney of our county[3] they all voted for N Noble for Governor will

[3] There are a number of receipts and other financial documents relating to these surveys in the Noble Papers.

[1] ALS. ISL: Indiana Division, Noble Papers.

[2] Sigler was apparently referring to the survey of the route for a turnpike or railroad from New Albany via Salem, Bedford, Bloomington, and Greencastle to Crawfordsville. *Laws of Indiana,* 1834-35 (general), pp. 25-30.

[3] Harrow and Chiles were elected in August, 1835, to represent Putnam County in the House of Representatives.

you please to see the pr of the Bank and know if the firm of Standiford & Sigler by giving very good indorsers could obtain a loan out of the Bank—if they should need it— I am yr respy

D. Sigler

N Noble

George H. Proffit to Noble[1]

Petersburgh 25th May 1835

Dear Sir: We are without a Probate Judge on account of the resignation of Judge Foster & it will devolve on you to appoint pro tem. as our August election will not fill the term immediately preceding. Allow me to recommend Elijah Bell of this place as a suitable person to fill the office; the nomination would give universal satisfaction.[2] Our congressional election will be animated though I fear the result will terminate as usual.[3] Wishing you health & happiness I remain Your friend

George H Proffit

[Addressed:] Noah Noble Govr. of Inda. Indianapolis
[Endorsed:] Appd N. Noble

Richard W. Thompson to Noble[1]

Bedford, June 9th 1835

Dear Govr. I was pleased at the reception of your last letter of date 22d May, by the mail immediately subsequent to Clark's arrival. I accord with you most heartily, that the next will be

1 ALS. ISL: Indiana Division, Noble Papers.

2 No temporary appointment was made by the Governor; instead on June 22 he issued a writ for an election of a probate judge at the time of the regular election in August. Harbert P. DeBruler was elected to the office at that time. *Executive Proceedings, 1816-1836,* p. 563.

3 Ratliff Boon had been the successful candidate in Proffit's district for the last eight years. Proffit was elected as his successor in 1839 and 1841. At this time Proffit was serving in the lower house of the General Assembly.

1 ALS. ISL: Indiana Division, Noble Papers.

the most important session, which has assembled under our state government, "the events of which, for good or evil, must be remembered and perhaps felt." The system of Internal Improvements proposed at the last session, if properly matured, will redound to our glory & add to the now flattering prospects of our young & growing state. We have much to do. Our sisters of the confederacy, while we advance before them in the accumulation of strength and nerve, are fast outstripping us in substantial and valuable improvements. We have followed in their wake, sufficiently long. We have energy and industry & why should we not develope them? We have a country, a more beautiful that which has never been illumined by the sun of Heaven & why should it not advance in a ratio, equal to the less favored & productive? These are questions which direct themselves to us with force, and neither sophistry or ingenuity can evade them. The *people* are satisfied that their industry demands a spur, and it now remains to see whether the next legislature is composed of men who have the courage and firmness to act for their country's good, or be content with an evasion of the question or useless and *boyish* predictions of *insolvency, ruin, bankruptcy,* and *"chymera's dire."* For my own part, if I should again be returned, I shall most industriously devote every energy to the establishment of such a system as my judgment may convince me is correct. I *may,* however be left out. There is much and decided oposition to my election, manifested by some who, last year, were equally inimical but not so active. Glover possesses toward me the most uncompromising hatred, and you know he is the strongest man in the county—whether he will be enabled to control the votes of the people is yet to be ascertained. His efforts are characterized by low and disgraceful chicanery and misrepresentation. He adopts this course because he knows that I will not descend to notice him. His indignation is doubly incensed when he finds that I treat him with silent and merited contempt. He has resorted to various plans since the commencement of the canvass,—all of which I have exposed most successfully, and have driven him to his last resort—the Jackson-Van Buren question. How this may effect me I cannot say. But let it prove fortunate or unfor-

tunate, I shall not change my course, either editorially or individually. I will not barter my right of conscience and my privileges as a freeman for all the offices within the gift of tyrants or their minions. I am however, willing to meet them openly upon the stump, if they will sever from the *magician* the name of Jackson. I believe a majority of this county will eventually go against him.[2]

Our people are opposed—most violently opposed to the ad valorem system of taxation, at this time. They think, that the time has not yet come—that the burthen of taxation will be *unequally* increased upon the farmer of the old counties. This has always been my opinion. The advocates of that system, I think, are mistaken when they assert that the system is equalized by bringing into the treasury a tax from the north, which we now loose. It must be admitted that the farmer of the north, however unimproved his farm may be (if it be in cultivation at all) *must* have such articles of personal property as are taxable under the present law—that the farmer of the S. has accumulated a much larger portion of personal property than in the new counties. Under this state of things the aggregate increase will be such as to render it unequal & oppressive upon the farmer of the old counties, because he pays a tax for those things which the farmer of the new counties has not, and which he must have hereafter. Until the property is equalized & all the land of the state taxable, I think it bad policy— Suppose the increase of Representation in the North, should give them a majority of votes in the legislature, after the next winter, what will be *our* condition when the money, paid by our industry, is attempted to be appropriated?— I have sent you my paper—[3] I will take Livingston for it— He is yet in Green Co.—not been here since court— I am informed he has commenced drinking again—if so he is gone—irredemably gone. I hope I shall be able to get some thing out of him for

[2] Thompson was re-elected to the House of Representatives, and served on the important committee on canals and internal improvements. Charles Roll, *Colonel Dick Thompson. The Persistent Whig (Indiana Historical Collections,* vol. 30, Indianapolis, 1948), 26.

[3] The *Western Spy,* published at Bedford by R. W. Thompson and Company.

you, when I see him. He is very slow.[4] Present me to Mrs. Noble & such of my acquaintances in town as you may think of—to McGuire, Wick, Mears & Henderson most particularly—I shall be always glad to hear from you. I expected to have seen you at the S.C. but my health has been bad & is yet so.

Sincerly &c

R. W. Thompson

[Addressed:] Noah Noble Governor of Indiana Indianapolis

Jesse L. Williams to Noble[1]

Fort Wayne, June 19 [1835]

Dear Sir: On Thursday of last week there fell at this place the heaviest shower of rain ever witnessed by the oldest inhabitants. From representations which are entitled to credit 10 or 12 inches of water over the whole surface of the earth must have fallen in the short space of two hours. When it is recollected that this is nearly equal to one third the depth which usually falls in the course of the year, some idea may be formed of the rapidity with which the rain fell. This [paper torn] did not extend many miles from this place.

Two breaches in the canal were occasioned by this rain, but they will doubtless be repaired in time to fill the canal by the last of this month. The line to Huntington will very readily be completed by the same time, and I therefore see nothing to prevent a successful commencement of navigation on the 4th of July.[2]

I have to-day examined the St. Joseph's dam and find that it has not received the least injury by the recent floods.

Yours sincerely,

J. L. Williams

Gov. Noble.

[4] Perhaps Hugh L. Livingston, former representative from Lawrence County.

[1] Indianapolis *Indiana Journal,* July 3, 1835.

[2] The opening of the canal between Fort Wayne and Huntington was properly celebrated on July 4. An account is given in *ibid.,* July 31, 1835. Noble was unable to attend because of ill health. Richmond *Palladium,* August 1, 1835.

Thomas V. Thornton to Noble[1]

Paoli July 5th 1835

Dr Sir When I addressed you some days ago on the subject of the Appl. of St Clair I intended to have then spoken of the propriety of making an appointment of a probate judge pro temp to serve until a successor to Judge Vandevier lately resigned, shall have been chosen but having forgotten it, the importance of the subject demands an additional communication[2] When it was first announced that Judge V. had resigned and the manner of his resignation I had concluded that it would have been regarded by you as not proceeding from the legitimate source; the law requiring the clk to certify under the seal of the court the happening of a vacancy The special enactment in relation to this matter may have been overlooked as by reference to the provisions of the probate act Sec 1st. it will be seen that upon the happening of a vacancy the Govr shall appoint some one to serve until the 1st. August following and until &c The necessity of making an appointment for the time being is very apparent when it is recollected that a session of the court intervening before one can be elected and qualified There existed no necessity perhaps for ordering an election, the law fixing the time &c At the suggestion of several citizens and because the public convenience demands it I have thought proper to propose and recomend William Smith Esq as a person well qualified to discharge the responsible duties of that station until an election shall be had

I am aware that the Statute contemplates the necessity of procuring a certificate of a Judge as to qualifications &c. but as the object of that provision is to secure the appointment of a competent individual and if that object can be effected by other means I conclude that, that prerequisite can be dispensed with. Mr. Smith is a Gent of respectable attainments in general Literature and well read in his profession He has a license to practice law

1 ALS. ISL: Archives Division, Secretary of State file.

2 Thomas Vandeveer, who had been serving as probate judge of Orange County since 1829, resigned on June 15, 1835. *Executive Proceedings, 1816-1836,* p. 544.

obtained in Virginia and an additional license from the Judges of this State and is a regularly admitted practitioner at the bar of this Court. And altho' he could not, nor could any other lawyer of any reputation or practice be induced to hold a poll for the office for reasons which are too obvious to need remark, he has nevertheless consented to serve at the approaching term in order that the regular train of business may be kept up. Should you think proper to make an appointment as here requested without requiring the procurement of a certificate of fitness it will save the trouble of attending to that, which time will scarcely be afforded to do— Mr. Simpson whose statement is below will concur with me on the subject of Mr Smiths qualifications—

Yr. very Obt & humble Servt.

TOM V. THORNTON

In the forgoing statement of Col Thornton in reference to the qualifications of Wm. Smith Esq to fill the vacancy occasioned by the resignation of Judge Vandeveer as Probate Judge I fully concur I also concur with him as regards the necessity of an appointment of a Probate Judge for this county for the next term much business being before the court which should be attended to at the next term of our court

Yrs respectfully A. J. SIMPSON

[Endorsed:] Appointed conditionally—that a certificate of qualification be procured—Issd. July 11, 1835[3]

Providence M. Currey to Noble[1]

CRAWFORDSVILLE July 18th 1835

HIS EXCELL'CY JAMES [NOAH] NOBLE

DEAR SIR, In compliance with the resolution of the Board of Directors of the Indianapolis Lafayette Rail Road Co. (a copy

[3] Smith served only until August when Burton Southern was elected. *Ibid.* Thornton was elected as clerk of the circuit court in August to succeed John McVey, deceased. He may have been serving as clerk pro tem. at this time.

[1] ALS. ISL: Indiana Division, Noble Papers.

of which accompanies) I wish to learn the prospects if any of having the rout of said road surveyed either by the U. S. Engineers or otherwise.[2] If a corps of Engineers should be assigned by the Pres't to make surveys within this state it is verry desirable to this company that their rout should be surveyed.

This Board wishes also to learn from you, if you deem it right to indulge them with the information of what will probably be the practical construction and operation of the act of the last Legislature of this State directing surveys, as far as relates to this road; they are desirous to know if the surveys so authorised will be considered for the benefit of this or any other company and if the direct rout from Indianapolis through Jamestown & this place to Lafayette will be imbraced in the surveys, and if estimates will be made of the different routs with a view to select the one of most advantage, or whether these surveys are only to be made with a view to future legislation, and if so would it not be to the advantage of the state & to the interest of the companies to unite this company with that from Madison to Lafayet, the rout passing through this place.

Any information you may be pleased to give on these subjects will be thankfully received.

Yours with esteem

P. M. Currey

[Addressed:] His Excellency James [Noah] Noble Governor of Ind. Indianapolis

[2] The resolution has not been found. The company was incorporated February 1, 1834, for the purpose of building a railroad from Indianapolis to Lafayette by way of Jamestown, Crawfordsville, and Columbia (Tippecanoe Co.). *Laws of Indiana*, 1833-34, pp. 210-18. Currey was one of the directors of the company. The route for this road was not among those the Governor was directed to have surveyed. The route for a turnpike or railroad from Madison to Indianapolis and then to Lafayette, which was to be surveyed, followed a different route, passing through Danville and Crawfordsville. *Ibid.*, 1834-35 (general), p. 28.

Calvin Fletcher: Visit with Noble[1]

[Monday Augt 10 1835]

Visited Govr Noble with Mrs Fletcher—spent the day conversing on the subject of internal improvements into which the state is about (as is hoped) to enter There are several Railroad routes surveyed by the order of the last legislature. The extension [of] Wabash Canal to Lafayette White River canal from Indianapolis to the Wabash certainly practicable—from here to the River Ohio not certainly so— White Water canal already surveyed but the part thro' Ohio possibly can't be used as their last legr seemed to be hostile— Railroads have charters that require subscriptions— Now the difficulty seems to be this—if the various projects contemplated by the surveys should be attempted the present state of the country does not demand it nor will its resources warrant the undertaking— Indeed the Govr & myself agree in this that canals are the best—because the capital to be expended in their construction to be left in the country— Railroads for machinery & iron will carry the money out of the country 2/3 or 1/2 Too canals will grow more permanent— Railroads will wear out in 10 or 15 years We are fearful that unless all can be undertaken none will be accomplished His next message on the subject should be penned with care

View Govr N[oble] farm very handsome

Noble to Howard Stansbury[1]

Executive Department, Indianapolis, August, 1835

Sir—The act of the last session of our Legislature directing the survey of a route for a canal, from the Seat of Government to the Falls of the Ohio, made provision also, for the survey of a railway or turnpike, if, after the first examination, a canal should be found inexpedient or impracticable, to which law you are referred.

[1] Calvin Fletcher Diary, Indiana Historical Society Library.

[1] *Senate Journal*, 1835-36, p. 127

The Commissioners and Engineer having informed me that a canal is not expedient, you will therefore proceed to the survey of a route for a Rail-road and turnpike, upon the plan of the other surveys, taking my letter of instructions in relation to the surveys, for your government.[2]

I am, Sir, Respectfully,

(Signed) N. Noble

Col. H. Stansbury, U. S. Civil Engineer

Noble to John Tipton[1]

Executive Department Indianapolis

Sept 2d 1835.

Sir The General Assembly, at its last session, by a joint resolution, a copy of which I have the honor, herewith, to enclose you, constituted me their organ to convey to you "on behalf of the people of Indiana" their acknowledgements for the liberal proposal to surrender to the State the Tippecanoe battle ground.[2]

I seize, with pleasure, the occasion, which is afforded by the resolve of the Legislature, of expressing the sentiments which this act of liberality has inspired. Under any circumstances this duty would have been a pleasing one; but when, in the individual between whom and the General Assembly I am made the medium of this communication, I recognize one who shared so largely in the dangers of that battle field, the duty ceases to be one of [MS illeg.] interest. It is to be hoped that the Legislature, influenced by this example of liberality, will hasten to erect, upon

2 The act referred to provided that if the canal was not practicable, the railroad or turnpike from Jeffersonville should intersect the route to be surveyed for the Madison and Indianapolis Railroad at or near Columbus. *Laws of Indiana,* 1834-35 (general), p. 29.

1 ADft. ISL: Indiana Division, Noble Papers.

2 See above, 311, for the previous correspondence relating to the transfer of the battleground to the state. The joint resolution of February 7, 1835, authorized the Governor to receive the land from Tipton. The transfer was consummated on November 7, 1836, the twenty-fifth anniversary of the battle. It comprised 16.55 acres. Tippecanoe County Deed Records, M:328-31.

the spot consecrated by the blood of so many brave men, such a memorial as will be alike honorable to the state and worthy the event which it shall be designed to perpetuate[3]

With sentiments of great respect and esteem, I am your friend & servant

Hon Jno. Tipton Logansport.

[Endorsed:] Rough draft. to be altered at pleasure without offence

Joseph Orr to Noble[1]

Laport Sept. 19th 1835

Dear Gov. Your favour of 25th July was received in the hurry of harvest & an answer posponed "for the present." A satisfactory excuse to my own mind does not present its self for this delay, I will therefore place myself upon your friendship for a pardon.

You will hear the particklulars of the land sale which has just terminated from some of your Indianapolis friends, who attended the sale. The competition for land in some parts of the district offered was spirited & I think will be more so at the sale which commences on Monday—particklularly lands in this county will be run high. there are many capatalists waiting for the sale—some local and some from a distance. I believe the good land will generally be taken at the sale or very soon after. Such as wish, but are not yet ready to invest their surplus means in new lands will find the largest opening along Eel River. It is said that there is a large body of fair but heavy timbered land up that stream & it appears not to have attracted the attention of speculators so much as lands further North. There the advance will be slow but certain—here the prices will be higher at the sale, the demand for land afterwards greater, consequently lands will change hands

[3] It was not until the years 1907-08 that the present monument was erected by the state and Federal governments. R. P. De Hart (ed.), *Past and Present of Tippecanoe County Indiana* (2 vols. Indianapolis, 1909), 1:97.

[1] ALS. ISL: Indiana Division, Noble Papers.

quicker—at the same advance on the capital laid out—and indeed if we judge from the past the speculator can realize 400 per cent on purchases made here sooner than 100 on Eel River, or in any other body of heavy timbered land in the state.[2]

With reference to the Publick arms at south Bend I believe we shall have to distribute them among the *Buckeyes* & *Woolvereens* to settle their disputed boundary with, for their apears to be but little military spirit here—particklularly among some of those whoes duty it is to attend to the organization of light companies. We have however some prospect of geting under way shortly & I will in the meantime have the arms seen too.

Our Congressional elections terminated much as expected except in Lane & Ewings Districts. In the latter particklularly I was not prepared for so large a majority for Davis.[3] From Putnam you will have in the House of Rep. a plain substantial farmer in the person of Mr. Harrow as well as a true Whig, while the other Mr. Childs [Chiles] is reputed as a man of some tallents but rather *easy* virtues. The political *market* here is rather *easy* at present. Our Van Buren Press in the Citty has not as yet diverted the peoples attention from the interest they take in land speculation Pre-emtions, Indian *Floats* (reserves) and *squating rights*—these are rather engrossing subjects for the present, but will pass off with the occasion. That Genl. Harrison would be the most popular man for the Pr[esident] among the opposition here I am not prepared to say. His name in connection with that

[2] Noble may have written to Orr about the prospects of buying land in northern Indiana for purposes of speculation. M. M. Henkle of Indianapolis wrote several letters to the Urbana (Ohio) Banking Company in 1835 regarding borrowing money for a possible speculation in land by a group consisting of David Hillis, Samuel Merrill, Noble, and himself. In a letter of August 10 he stated that Noble wished to attend the land sales which would begin in about four weeks. Later on that month the Indianapolis Branch Bank dropped the Urbana bank notes from the list of bank notes acceptable for the purchase of land. This action was rescinded in December, but so far as is known the project of the above-named gentlemen for buying lands never materialized. See correspondence in Indiana Historical Society Library and Noble to John H. James, December 14, 1835, printed below.

[3] In the Second District, John W. Davis, a Democrat, defeated John Ewing; in the Fourth District, Amos Lane defeated George H. Dunn.

office is heard with respect, but nothing has been done, no movement made to elisit anything like a general expression, still I believe there can be procured for him a larger support here than any other candidate in the opposition. Gov. Hendrix was here last week but so far as I have heard, was a *waiten* on, rather than a *promoter* of public sentiment.

Let me hear from you often & believe me yours sincerely

JOSEPH ORR

N. NOBLE

David Burr to Noble[1]

TREATY GROUND 22nd Sept 1835

HIS EXCELLENCY N. NOBLE

DR SIR I have this moment received a letter from James R. Nelson Engineer Terre Haute Indiana who has charge of Doctor Whippo's late survey from Lafayette to Terre Haute stating that the drawing paper sent to him by Mr. Sheets at the instance of Col. Stansbury have not been received and as he is nearly out of paper I will thank you and Col. Stansbury to send about 40 sheets of drawing paper to him by stage. The paper which was sent must have been lost as Mr. Nelson writes that they made strict examination and can hear nothing of it.

We have just got through with our letting at Logansport and have had to encounter a fierce opposition led on by our worthy Senator.[2] Mr. Williams and myself seem to come in for the largest share. Charges of speculation oppression and favouritism are rung without mercy or restraint If you will look at the Logansport paper of Augt. 22 under Editorial head you may perceive perhaps the drift of the current, which without saying so directly, evidently wants a suspension of the Wabash & Erie Canal below Cass Co. and have the river improved below that quarter. Displeasure was felt by the writer at the act of last session authorizing the survey. Expatiates on the number of

1 ALS. ISL: Indiana Division, Noble Papers.

2 For Senator John Tipton's controversy with the canal commissioners, see *John Tipton Papers,* 3:160-62, 165-68, 169-70, 173-74.

Counties along the Ohio river and their excellent navigable privileges and dwells on the number of rail road Charters heretofore granted and in so doing of course enumerates most if not all of the anti internal improvement position of the State placing these in close relationship to that of the canal which is now finished and finishing. *Unite these interests* and there would be an end to all the plans of public works in this state— About the same time the Worthy Senator met Mr. Oliver our clerk, became wrathy, said hard things of the board, that they must be removed, with Mr. Williams &c which Mr. Oliver communicated to Mr. Johnson[3] of course and was I suppose said to draw on a paper controversy. If so he has been gratified and as the Quaker is fond of writing, I suppose much ink will be wasted. So far Mr. Johnson has the advantage. At the same time Joseph Holman of pliant memory commenced his attack of petitioning the Legislature to have Mr. W and Your Hum Servt removed by the Legislature[4] Part of the plan is to render the East Side of the State particularly dissatisfied with the location of the canal about Monceytown making them believe that to get north, they would have to go to the mouth of pipe creek this is not the fact under any circumstances then up to the Missinnoway and down it to Peru or Wabash instead of going to Huntington or Fort Wayne. About Monceytown there is also strong excitement because we did not run north first in the Spring we have good reasons for our course as want of water is the strong objection & that part could not well be determined before the waters become low the difficulty of supplying a line north if not utter impossibility is difficult & shews that to have gone in any other season of the year would have been hazarding the cost

[3] James B. Johnson, member of Board of Canal Commissioners.

[4] Holman's petition and a remonstrance against it were presented to the House of Representatives on December 19. After due consideration, Burr and Williams were absolved from the charges exhibited against them. Tipton denied any connection with the petition for removal of the commissioners, stating that it would be too bad to destroy public confidence at a time when the state was about to commence an extensive system of internal improvements. *Ibid.*, 3:179-80n.

of an expensive campaign for no purpose. I trust our friends in the East will understand who favours their interests and should like they would reflect that the more direct a canal route can be made from the mouth of the Missisinoway, the centre of the state on the canal line, to Harrison [and] Lawrenceburg the more business will be done on it from Pittsburgh & Cincinatti especially in the spring, & the more likely will Ohio be to give power to Indiana to construct it. Mr. Crume is the Wabash candidate for Canal Commissioner & some pains have been taken to make all in that quarter believe that their rights are to be jeopardized to build up a Town at Peru or Wabash. The writer of the Editorial I mention had not wit enough to conceal his feelings in relation to the White river Canal. He thinks possibly *that perhaps* its *policy may be discussed*—this session of the Legislature —depend there is *higher game* in view than merely to get Mr W. & the present Board of Comrs out of the way—I believe some time hence an ante canal interest to elect an U S Senator

I will write to Col. Stansbury as I should not be particularly proud to have this exhibited.

With great respect

D Burr

His Excy Gov. Noble Indianapolis Indiana

Hugh McCulloch to Noble[1]

Fort Wayne Oct 30th 1835

Hon Noah Noble Governor of Indiana

Dear Sir, Having been solicited to become Cashier of the Branch of our State bank located at this place, I hereby resign my office as Probate Judge of Allen County

I am very Respectfully Yours &c

H McCulloch

[1] ALS. ISL: Archives Division, Governors' Correspondence.

Noble to Andrew Ingram[1]

INDIANAPOLIS, 4th Nov. 1835

SIR—Through the mail, I had the honor of receiving the note you addressed me, in behalf of your fellow citizens, inviting me to participate in the celebration of the anniversary of the battle of Tippecanoe, on Saturday next.

The glorious achievements of that day were alike important to Indiana, and honorable to our arms. I well recollect the painful anxiety that pervaded our frontier, at the time Governor Harrison was marching into the Indian territory with his army. Between our settlements and him, there intervened about one hundred and thirty miles of wilderness through which we had no communication. Upon his success public safety and tranquility depended: If defeated, we had too much reason to suppose it would be announced, in savage yells of triumph, along our whole line of frontier, before any warning of danger could be given us, through a distance of four hundred miles, by the way of Vincennes. By the victory of Tippecanoe the state of suspense and anxiety to which I allude, was succeeded by the shouts of VICTORY! VICTORY!! from one extreme to another, with many a hearty "*Huzza for* HARRISON!"

These recollections sharpen my inclinations to unite with you; and I need hardly say to you, that it would afford great pleasure to meet my fellow citizens generally on the field once so highly crimsoned by the blood of her most worthy citizens. I am compelled, however, to say, that my public duties deny me that gratification, and that I must yield my time to such subjects as claim it, preparatory for the approaching session of the legislature.

I am, very sincerely, Your ob't servant,

N. NOBLE

A. INGRAM, ESQ. Chairman, &c.

[1] Indianapolis *Indiana Journal,* December 8, 1835. There is an account of the celebration at the battleground in this same issue of the paper.

Noble: Proclamation Declaring Fort Wayne Branch Bank Open[1]

[November 17, 1835]

By the Governor of the State of Indiana

A PROCLAMATION

Whereas, it has been made know to me by the proper authority, that the President and Directors of the Branch of the State Bank of Indiana located at Fort Wayne, are regularly organized, and prepared to enter upon the business of banking:

Now Therefore, I Noah Noble, Governor of the State of Indiana, do hereby proclaim to all whom it may concern, that the said Branch is hereby authorized agreeably to the act of incorporation, to commence banking operations.

In testimony whereof I have hereunto subscribed my name, and caused to be affixed the seal of said state.

[Seal] Done at Indianapolis, the 17th day of November, in the year of our Lord one thousand eight hundred and thirty five and of the State the twentieth.

N. Noble

By the Governor,
Wm. Sheets, Sec'y of State.

Noble: Message to the General Assembly[1]

[December 8, 1835]

Gentlemen of the Senate, and of the House of Representatives:

The duties pertaining to the Legislative branch of the Government have again called us together, and whilst giving you "information of the affairs of State, and recommending to your con-

[1] Indianapolis *Indiana Journal,* November 20, 1835.

[1] *House Journal,* 1835-36, pp. 12-26. Also in *Senate Journal,* 1835-36, pp. 9-24. The message was read by John Ketcham, the Governor's private secretary. It was characterized by Calvin Fletcher as a "high-

sideration such measures as shall be deemed expedient," it is a source of gratification to say, that the return of the time for our meeting has brought but little to deplore. The seasons, if not in their usual profusion, have yielded a sufficiency of the solid comforts of life. In the unprecedented acquisition to our population, with its consequent increase of wealth; in the enhanced value and demand for real estate; the ample reward of labor; the liberal compensation for the products of the soil, and the bustle and activity to be seen all around us, we perceive evidences of prosperity seldom before enjoyed. And, whilst in other portions of the Union, scenes of irreverence for public law and good order, highly discreditable to our national character, have been exhibited, the citizens of this state have maintained their uniform respect for the authority of the laws which protect the life, liberty, and property of each. For these, and many other favors attendant upon our onward course, we are indebted to a kind and overruling Providence.

This is your first session in the new capitol, and from a conviction that the occasion will not fail to inspire feelings of exultation with you, I will not withhold, on my part, the offering of a hearty welcome and congratulation. It is an edifice worthy of the state, and being dedicated to the public interests, within these walls the representatives of the people will annually assemble to perform some of the most important duties ever delegated to man. The people, through their representatives will here speak their wishes, utter their complaints, and obtain remedies for their wrongs. And it should be the constant care of all who fill our stations, that their official acts, in spirit and precedent, shall tend to the perpetuation of our liberties, our state and national institutions.

In the return of the assessments under our present system, we have evidence of the usual increase, and an assurance that the revenue will equal the ordinary demands upon the treasury. The payments made from several sources, have enabled the treasurer to meet all demands without resorting, as yet, to the loan of the small sum authorized for the benefit of the State-house.

toned internal improvement document." Calvin Fletcher Diary, Indiana Historical Society Library.

The aggregate receipts, since the last report, amount to $107,714 63, and the payments towards the building of the capitol, and for all other purposes for the same period amount to $103,901 43, which, with the balance reported in the hands of the treasurer, at the close of the last year, leaves in his hands an unexpended balance of $6,137 34. The annual report of the Auditor and Treasurer will be made.[2]

The operations on the line of the Wabash and Erie canal, have been conducted, the past season, with energy and great success. The middle division, extending from the St. Joseph Dam to the Forks of the Wabash, about thirty-two miles, has been completed for about $232,000, including all repairs to this time, being something less than the estimated cost by Mr. Ridgeway. Upon this portion of the line, the navigation was opened on the 4th day of July, on which day our citizens, in assembled thousands, witnessed the waters of the St. Joseph mingling with those of the Wabash, uniting the waters of the northern chain of Lakes with those of the Gulf of Mexico in the south. On this division boats have been running, without the interruption of a day, since the letting in of the water.

The line from Huntington to Lafountain's creek has progressed with much spirit, and with the exception of the locks, is almost complete. Thirty-five sections have been finished and accepted, and without some preventing cause in the seasons of the next year, its navigation will be open by the 4th day of July next.

The line from Lafountain's creek to Georgetown, about twenty-two miles, was put under contract in the month of September, since which most of the sections have been commenced.

The large amount of additional duty imposed on the board and engineers, by the law providing for the new surveys, made the past season, one of great labor, and particularly to Mr. Williams, the chief engineer, whose presence was needed at so many points in planning and directing the field service.[3]

[2] The Treasurer's report is printed below, 412-17. For the Auditor's report, see *Laws of Indiana,* 1835-36 (local), pp. 401-2.

[3] These were the surveys ordered by the previous General Assembly. See note, pp. 322n-23n.

Economy and public policy require that an additional portion of the line from Georgetown to Lafayette should be placed under contract the ensuing year; and that the commissioners shall be authorized and directed to let out that part of the line east of Fort Wayne, when it shall be ascertained that Ohio has commenced that part which she has undertaken to construct.

Owing to the great demand for landed property to supply the wants of the new population in the vicinity of the canal, the sales of the canal lands the past year have been unusually active. The sales since the last report of the commissioners have amounted to $175,740 34. The experience we have had in converting those lands into available means and the rapid rise in the value of lands in that section of the state, will now justify the assertion that the unsold lands with the selections yet to be made, will be sufficient to complete the canal to its original termination, and that the people will never be called upon to pay any portion of its cost.[4]

Towards the close of last session's deliberations, the legislature appointed Col. O. H. Smith, of Fayette county, their agent to visit the seat of government of Ohio, for the purpose of obtaining from the legislature of that state, then in session, permission to construct that portion of the White-water canal, which, pursuing the valley of that river, passes a short distance through her territory. That duty was promptly performed by Col. Smith, in delivering my communication covering the Joint Resolution of the General Assembly to Governor Lucas, who submitted it to the legislature of Ohio. The subject was referred to a committee, which, I regret to say, seemed to act under the impression that the White-water canal would be a rival of their Miami canal, and by withholding their assent, the business of the White-water country would be forced into the Miami canal, and made tributary to Ohio, and therefore reported unfavorably. That report, however, was not concurred in, and it is believed, that at the ensuing session of the legislature, a more liberal and enlightened policy will prevail, and we shall obtain the desired permission. But, if

[4] The report of the canal commissioners, showing work completed and in progress, is printed in the *Senate Journal,* 1835-36, pp. 226-39.

contrary to all reasonable and just expectations, the narrow and selfish policy recommended by the committee at their last session, should influence the subsequent action of the state, still we are not without a remedy, as from a recent examination, by Col. Stansbury, our principal Rail Road Engineer, it is ascertained that a much cheaper and shorter communication can be opened by means of a Rail Road commencing at or near Brookville, and connecting with the Lawrenceburgh and Indianapolis Railway, at a distance of ten or twelve miles from the river. The loss of time and trouble consequent upon the transshipment from the one mode of conveyance to the other, would, however, render the continuation of the canal to the Ohio much preferable. The communication of Col. Smith, in relation to the subject, is herewith laid before you.[5]

In accordance with the authority granted them by law, the Fund Commissioners have borrowed for canal purposes, at an interest of five per cent. the sum of $605,257 dollars. Upon the loan made early in the season, they received a premium of two per cent. and upon those made subsequently, they received as high as seven per cent. premium, or at the rates of one hundred and seven dollars for one hundred dollars of our bonds at five per cent. interest.—They have also borrowed the further sum of four hundred and fifty thousand dollars, the bank capital, at five per cent. interest, for which they receive a premium of four and a half, and five dollars on the hundred. Their report will be laid before you in proper time.[6]

Of the three per cent. fund accruing to the State on account of the sales of the public domain at the United States land offices, the receipts at the treasury, the past year, amount to twenty-four thousand three hundred and ninety-eight dollars, leaving the sum

[5] Smith's report is not printed in the *Journals* and a copy of it has not been found. Ohio consented to the building of approximately seven miles of the Whitewater Canal in Ohio on the condition that a branch line should be built by the state of Ohio extending from Harrison to Cincinnati.

[6] The Canal Fund commissioners made one report on December 16 and another on January 23, 1836. They are printed in the *Senate Journal,* 1835-36, pp. 101-2, 512-16.

of five thousand and five dollars to be supplied from future receipts to satisfy a balance of eighty-nine dollars, sixty-seven cents due to each county under the last appropriations. The sales at the United States land offices, within this state during the past year, must amount to one and a half million of dollars; consequently, the dividend of three per cent. to be received by the State the ensuing year, and probably for some time afterwards, will be larger than at any former period.

After meeting the unsatisfied claims upon this fund, it is for the Legislature to say, whether it will be advisable to anticipate our annual receipts by a loan for the purposes heretofore recommended, or make some other disposition of it. In its application, the claims of the new counties, having their roads yet to open, should not be overlooked.[7]

Among the other sources of contribution to the treasury, the past year, the saline lands have produced by sales, rents, and interest on unpaid enstalments, the sum of $4,636 55.

The newly selected Michigan Road lands were exposed and sold at public out-cry in the month of September, and commanded an average price of four dollars and seventeen cents per acre, amounting to $21,304 27; and subsequently, the private entries at three dollars per acre, amounted to $809 04. Of the old selections, the sales since the last annual report of the commissioner, brought $10,917 00—the entire receipts for the year amounting to $33,030 31. These sums will absorb every claim upon the fund, leaving an unascertained balance of from one to two thousand

[7] The state treasurer's report on the Three Per Cent Fund (printed in *Senate Journal,* 1835-36, pp. 83-87) showed that a total of $224,464 had been received up to December 1, 1835. Payments from the fund on the various appropriations to roads, rivers, and counties amounted to $205,505, salaries and incidental expenses, $4,500, leaving a balance of $14,459. The sum of $20,230 was still due on these appropriations.

A bill was introduced in the House authorizing the state to borrow $500,000 on the basis of the amount that might be expected to accrue to the fund from land sales in the next twenty years. This was to be lent to the counties for the building of a system of public roads. Various efforts were made to amend the bill, but it was finally postponed after passage of the internal improvement bill. *House Journal,* 1835-36, pp. 132-34, 163, 188, 263, 325-26, 368-69.

dollars in the hands of the commissioner, which, with the proceeds of the 16,561 acres remaining unsold, will constitute the means applicable to future improvements.

That great thoroughfare—the Michigan Road—is the avenue through which we receive the accessions daily made to our population in the new districts, from the states south and east of us; their constant use of it in the green state of the improvements, with the heavy rains of the season, have so greatly injured the road, that the convenience and interest of the public require that some repairs should be made. The remaining lands, at the minimum price will command 20,000, and it will remain for you to say whether you will anticipate their proceeds, or apply other means in maintaining the usefulness of the road.[8]

The commissioners superintending the erection of the state house have performed the various duties confided to them, it is believed, in such a manner as will be satisfactory. In the changes made, they have aimed at permanency and durability, combining a just taste in the style and the finish. On account of the unfinished state of the grading, and the daily conveyance of materials to the ground, they have not deemed it advisable or safe to enclose the square. The want of further time has prevented the completion of the interior of some of the offices of the building, of the pavements of the porticoes, and of the railings to be built on the outside of the pillars of the senate chamber and representative hall, separating those apartments from the lobbies. The report of the commissioners will soon be submitted for your examination.[9]

[8] The report of William Polke, commissioner of the Michigan Road, is in the *Senate Journal,* 1835-36, pp. 334-60. An act for the improvement of the road, passed at this session, required the commissioner to spend all the available funds then in his hands or that might come into his hands in the ensuing year on the further improvement of the road so as to make it as near as practicable equally good in all places. *Laws of Indiana,* 1835-36 (local), pp. 348-49. For descriptions of travel on the road at this time, see the *Indiana Magazine of History,* 24:132, 133; *Readings in Indiana History* (*Indiana Historical Collections,* Vol. 36, Indianapolis, 1956), 318-22; *Michigan History Magazine,* 18:63.

[9] This report is not printed in either the House or Senate *Journals* of this session and no copy has been found. The Indianapolis *Indiana*

The appointment of a keeper by the Governor, as contemplated by law, has not yet been made.—The person to be appointed, it is believed, should visit the building every day during the recess of the legislature, and to protect it from injury, he should be present every day during the session, as at that time it will be most exposed. The compensation of seventy-five dollars per year allowed by law will not induce a competent individual to render so much service, and it is suggested that the agent, or keeper, shall also be the door keeper of one branch of the legislature, and made responsible if from neglect the building should be injured or defaced.[10]

The projected improvements at the rapids of the Wabash river, under the joint superintendance of the commissioners, on the part

Democrat, on November 11, 1835, reported enthusiastically on the structure: "The building is now almost fully completed, and will be ready for the reception of our State Legislature, on the first Monday in December next. The Senate Chamber and Representative Hall are entirely finished, and are pronounced by visitors from all parts of the country, who have passed through this place during the season, to be equal, in point of style and workmanship, to any Legislative Halls in the United States. The Court Room, is well calculated for the purpose intended, and the numerous small apartments will afford convenience and comfort to the different branches of the government. Mr. Wilson in the Stucco work, plastering and rough-casting deserves the highest encomiums for his ingenuity and skill, and the faithfulness with which he has performed his contract. Mr. Sterewalt, the chief architect, is entitled to great credit for the manner in which he has executed his department of the work, in erecting the superstructure of the rotunda, giving proper directions with regard to the columns, &c. &c., together with a general superintendence of the building for the past two years. Mr. Peck, the superintendent of masonry, has some time since finished his labors, but the completion of the building, within the time specified in the contract, is greatly owing to his untiring industry and skill, at the commencement of the work. Mr. Livermore and others of the principal workmen in every department are entitled to the thanks of the community.

"The outward appearance of the building is truly splendid, and we feel thankful in having been permitted to live to witness this brilliant commencement of what Indianapolis will be, when we who have witnessed the noble forest waving luxuriantly over the ground it occupies shall have been called to our last account."

10 Nathan B. Palmer, state treasurer, was appointed to take charge of the State House, prepare it for the next General Assembly, and

of this state and of Illinois have not progressed so successfully as desired, in consequence of the repeated freshets of the Wabash and White rivers during the past season. Contracts for the removal of deposites of timber, and for other purposes, have been made at the points below the Grand Rapids, designated by the name of "Black's Cutoff," the "Grand Chain," "Coffee Island," and the "White river Rapids," which when finished, will be a charge of about nine thousand dollars to the joint fund, exclusive of superintendance. The report of the commissioner embracing a detail of his proceedings, will be submitted for your consideration.[11]

As some time must elapse before the remainder of the 24,000 dollars, appropriated on the part of Indiana, can be expended, would it not be more expedient, to loan it out at interest, on safe and sufficient security, than to permit it to remain idle? It is probable that the commissioner may need the aid of legislative authority to use materials from private property, and to protect the work from damage or injury, for which suitable provisions are recommended.

The condition of the State College at Bloomington, has much improved during the present year, while every thing seems to indicate for it, a continued and increasing prosperity. It is indeed gratifying to observe that the cause of education is in the fostering care of the same spirit which is now prompting the people of Indiana, to put forth their energies in behalf of internal improvements. The institution at Crawfordsville in the north-west, and the one at Hanover in the south-east part of the state, built up and supported as they are by private capital, furnishes, in their unusual growth and advancement, the proudest commentary on that enlarged benevolence of heart which must exist in the bosoms of their founders. The success of these institutions has suggested to my mind the propriety of your complying with that requisite of the constitution, which provides for the establishment of a university. This can be easily accomplished by clothing the

have the grounds graded and enclosed. For these extra duties he was to receive $150 annually. *Laws of Indiana*, 1835-36 (general), pp. 82-83.

[11] The report of Andrew Gardner is in the Indiana *Documentary Journal*, 1835-36, No. [2].

Bloomington college with that charter. By so doing you will withdraw the state institution from all competition with the private institutions named, or with those that may hereafter be established; you will allay the jealousy and put down the spirit of opposition which probably exists or may exist among them; and on the contrary create a reciprocity of interests mutually beneficial to all. These views, however, are submitted with great deference to the better and more matured consideration of the legislature.[12]

The report made by Col. Kelso, the visitor to the state prison is submitted for your examination.[13] In the management of its affairs no material change has been made since your last meeting.

Under the laws regulating the prison, the duty of farming or leasing it with its inmates, for a term of years, will devolve on the Governor next spring; and as some have doubted whether the spirit and object of our criminal laws, are complied with in permitting the superintendent to remove the convicts from the prison to operate in brick yards and at other places in the town and its vicinity, it will be well for the legislature to express an opinion on the subject. If the practice be sanctioned for the future it will no doubt lessen the charges on the treasury for a period, but whether in the end, it would not be better as regards the safety and morals of the convicts, to confine them in their workshops, within the walls, will be for you to determine.

As this institution is so far removed from the eye of the legislature and of the executive officers, I would advise that it be made the duty of one or more of the state officers to ascertain whether, and if so, for what sum the prison and prison grounds can be sold, and upon what terms a new and more capacious one can be built at or near the seat of government, either on account of the state, or on private account, for a term of years—the

[12] The Indiana College did not achieve the status of a university until 1838. A report on the college was presented to both houses of the Assembly at this session but it was not printed. There is a report on Hanover College in the *Senate Journal,* 1835-36, pp. 88-90.

[13] The report was not printed, but both the Senate and House committees on the affairs of the prison summarized it. *House Journal,* 1835-36, pp. 345-46; *Senate Journal,* 1835-36, pp. 635-36. The Senate summary is printed below under date of February 6, 1836.

individual to clothe, board, and operate the prisoners—the internal police to be left to the legislature, and the whole to be surrendered to the state at the expiration of the time.[14]

The Circle, with the building designed for the residence of the Executive of the State, has been enclosed with the best fence the appropriation would procure. That house, in its location and plan, is not well suited to the purpose for which it was originally intended; and as the public offices will soon be removed to the capitol, I would advise a sale of the property, with time for payments, the proceeds to be applied in erecting and furnishing a suitable family residence for the Governor, on part of the reserve at the western termination of Market street. A private building of sufficient size and convenience for the residence of your Governor can never be rented at this place; and without a suitable one, he cannot acquit himself with the members of the other branches of the government, and with visiting strangers, in that manner which his station, and the laws of hospitality require. The proceeds of the house on the circle will be sufficient for the erection of the new one, and will furnish it as far as it should be furnished, without costing the state any further sum for the next thirty years.[15]

Since the last report of the Agent, the treasury has realized about nine thousand three hundred dollars from the sales here-

[14] The members of the House committee on the state prison were unanimous in their opinion that it would be inexpedient to change the location of the prison. Likewise, the Senate committee deemed it inexpedient to legislate on the subject of either removing the prison or of confining the prisoners to their workshops within the prison walls. *House Journal,* 1835-36, pp. 345-46; *Senate Journal,* 1835-36, p. 636.

[15] Both the House and Senate committees on the affairs of the town of Indianapolis, to whom this portion of the Governor's message was referred, reported that it was inexpedient to sell the house at this time. Later in the session a resolution was adopted in the Senate instructing the committee to inquire into the expediency of erecting gates to the enclosure around the house, planting fruit trees and shrubbery in the area, and preparing the house for the residence of the governor. Apparently nothing was done at this session, but the following year a bill was introduced to repair the house and prepare it for occupancy. It failed to pass and the house continued to be shunned by Indiana's governors. *House Journal,* 1834-35, p. 247; *Senate Journal,* 1834-35, pp. 318, 432; (1835-36), p. 228.

tofore made of the public property, at the seat of government. Other sums, to the amount of 4,000 dollars will soon reach the treasury through the hands of the Agent. The report of that officer, will, in due time, be submitted.[16]

Upon the plat of the town there are several squares marked and set apart for public purposes; but not having been specifically designated by law, for those purposes, no one has exercised any care or authority over them. It will be well for the Legislature to make some final order on the subject. The block of timbered land on the eminence west of the capitol, marked on the plat as public ground, if intended by the Legislature for that purpose, should be granted to the corporate authorities of the town, on condition that they enclose it, preserve the timber, ornament and improve it. You will act in this matter for future generations, when the population of this place shall amount to thousands—when a forest tree will not be seen for many miles. Most of the large cities of the United States, have such ground for the purposes both of utility and ornament.[17]

The commission created by a law of last session for the assessment of damages to private property on the canal line, has been organized, and is now filled by an executive appointment of Messrs. Graham of Jackson, Talbot of Putnam, and Wallace of Fountain counties. The appointment of a Commissioner, by the Governor, as authorized by law to take releases on the Whitewater line of canal, was made to Gen. Morgan, of Rush county, who has performed the duties assigned him, by filing the releases of the major part of the landholders on the line, with the Secretary of State.[18]

[16] The report is printed in the *Senate Journal,* 1835-36, p. 376, and in the *Documentary Journal* of this session.

[17] This is the tract which later became known as Military Park. It is still owned by the state.

[18] Enoch McCarty, Irwin Wallace, and James H. Wallace were appointed February 18, 1835, as appraisers to assess damages sustained by reason of the construction of the Wabash and Erie Canal. Their appointment was provided for in the act of February 6, 1835. *Laws of Indiana,* 1834-35 (general), pp. 25-30; *Executive Proceedings, 1816-1836,* p. 687. James H. Wallace died of cholera on June 17 and William Graham was appointed to succeed him; then McCarty resigned and

The operations of the State Bank, through the Branches, have had a most healthful and beneficial influence on the enterprise and various pursuits of our citizens, and to an extent, greater, it is believed, than had been predicted by its friends. These accommodations have been extended to every class of our citizens, as far as the resources of the institution, under its charter, would justify. Experience has already satisfied the officers, that the time is not far distant when it will be found that the capital is entirely insufficient for the rapidly increasing business and population of our state. Indeed, in some of the districts, the deficiency is already felt, and acknowledged.

It has generally been the practice in banking institutions, to have some of their transactions based upon the deposits entrusted to them, and in that way, such funds, instead of remaining idle, are actively employed. When you shall have examined the reports which will be laid before you by the officers of the bank, you will find that there is a large average amount in deposits, from individuals in each branch. But in consequence of the prohibition in the charter, these large sums are of no service to the individuals, to the bank, nor to the public.

It is believed this limitation in the charter only serves to restrict the bank in its accommodations and business without any corresponding advantages—as the public are abundantly secured against all danger of overtrading in the bank, by the clause which limits their issue of paper to twice the amount of the capital paid in. Indeed it is difficult to see how any damage can accrue in permitting the bank to loan as far as it has the means, provided the restriction remains as to the issue of paper.

Many banking institutions in other states, where such restrictions do not exist, allow a small interest on deposits, on which business transactions are based. Such a course would call in large sums, now inactive, and induce many to save and deposit a portion of their earnings. For our canal fund, deposited in New York, a bank of that city is now paying four per cent.: but while this

William E. Talbott was appointed in his place on August 8, 1835. Amaziah Morgan's appointment to take leases along the Whitewater Canal was made under the same act.

unusual prohibition in our charter exists, our own banks cannot do for us that which foreign banks are doing.[19]

The incentive offered to agricultural enterprize, by the law of the last session, providing for the appointment of members of a State Board of Agriculture, and for the organization of auxiliary county associations, I am glad to say, is like to accomplish all the good the advocates of the measure promised themselves. In most of the counties the agitation of the subject has excited a spirit of emulation and competition which has already caused the introduction of many fine specimens of stock, seeds, and implements of husbandry. Such examples will hardly fail to have a beneficial influence on the agricultural pursuits of the country.[20]

Under the provision of a law of the last session, the canal commissioners were directed to procure examinations, surveys, and estimates to be made upon several proposed routes for canals, and submit the results to the Legislature at the commencement of its present session, with a view of furnishing you proper data for the adoption of a judicious system of internal improvement for the state. To accomplish so much within the time prescribed, the board found it necessary, immediately, to procure the services of competent gentlemen, having the advantage of practical skill in the science of civil engineering. Accordingly a member of the board engaged the services of Dr. Whippo of Pennsylvania, of Mr. Gooding of Illinois, and of Capt. Cleaveland of Ohio, whose well established reputations and experience as scientific and practical engineers gave the strongest assurances of their qualifications. Whilst this preparation was making, the chief engineer, Mr. Williams, as early as April, went to the field, and in furtherance of the work made several experimental lines. The examinations commenced and progressed with the greatest industry, until their

[19] These recommendations of the Governor for amending the act of 1834 creating the State Bank were endorsed by the House committee to which they were referred, and apparently were made a part of the bill reported by the committee. However, some of them were dropped before final passage. See committee report of December 30, below, 424-32, and *Laws of Indiana,* 1835-36 (general), pp. 21-23.

[20] See the first report of the newly created state board of agriculture, below, 432-35.

progress was arrested by sickness, which, for a time, threatened the success of the work.

Although the estimates are as yet incomplete, I am gratified in being able to say, that enough is known to satisfy us that the route from the Wabash canal by the way of the Mississineway and White river, to Indianapolis, and thence down the Valley of White river by the way of Princeton to the Ohio river at Evansville, is not only practicable, but of easy and cheap construction. The same is also ascertained as regards the continuation of the route from Lafayette to Terre Haute. The proposed route from this place by the Driftwood fork of White river to Jeffersonville, after a careful examination, has been found to be too doubtful and expensive to be undertaken.[21]

The facility and cheapness of the line from the seat of government to Evansville, having been satisfactorily ascertained, and other facts relative to the topography of the state, being developed by the surveys already made, it was thought advisable, while the necessary force was in the field, to run an experimental line of levels from White river at or near the mouth of Eel river to the Wabash at Terre Haute—a distance of about forty miles—the result of which has satisfied the engineers and the board that the Wabash can be united with White river and the Ohio at Evansville, at comparatively a small expense.[22]

The law of last session, authorizing the several surveys and estimates for rail-ways and turnpike roads, under the direction of the governor, has been executed as regards the field operation; and the necessary estimates and drawings are in such a state of forwardness as to allow the superintending officer to present his report in a few days.—The great length of these surveys, traversing a large portion of the state, and extending in length to up-

[21] The reports of these canal surveys are in the *Senate Journal,* 1835-36, as follows: Central Canal from the Wabash and Erie Canal to Indianapolis, pages 250-54, 262-82; Central Canal from Indianapolis to Evansville, pages 283-302; canal from Indianapolis to the Falls of the Ohio, pages 247-50. It was estimated that a canal over this last route would cost $30,000 per mile.

[22] For the survey of this cross-cut canal, see *Senate Journal,* 1835-36, pp. 254-55.

wards of seven hundred miles, suggested the necessity of adopting such measures as would bring the requisite forces into the field as early as the month of April; and as there were no gentlemen of acknowledged skill in rail road engineering unemployed in the western country, assistance was sought from the Atlantic states. For that purpose Caleb B. Smith, Esq., was requested to proceed to Washington City before the adjournment of Congress, with letters to our delegation, requesting them to unite in an application to the War department for the necessary number of officers, and in the event that the request for the assistance should not be complied with, he was requested to go into the adjoining states and employ such a number of engineers as would insure the completion of the work in time for the present session. The application at Washington was met by an assurance from the secretary of war, that Col. Stansbury and two assistants would be detailed for the purpose. The work requiring at least four separate parties, Mr. Smith entered into a written agreement with Col. Stansbury, herewith submitted, authorizing him as the superintending officer, to organize four parties, including the two assistants promised by the secretary of war, the state paying him two dollars and fifty cents per day. In pursuance of this agreement, Col. Stansbury proceeded in the organization of the several parties, but in consequence of the secretary of war subsequently declining to detail the assistants, without assigning any reason for it, he Col. Stansbury, was obliged then to select others to supply their places. The several parties were organized and reached their place of destination the latter part of April and the first week in May. The one upon the Lawrenceburgh line was conducted by Mr. Adams of Connecticut—the one on the Madison and Lafayette line by Col. Schenck of New York; the one on the Evansville line by Mr. Collins of Baltimore; and the one on the New Albany and Crawfordsville line by Mr. Watts of Pennsylvania; the whole acting under the orders of Col. Stansbury.—The party under Mr. Adams reached this place in August and was preparing for the survey of the Columbus and Jeffersonville route, when, in consequence of sickness among the officers, it was disbanded. That route was then confided to Mr. Coyle, the second officer under

Mr. Adams, for which purpose a new party was organized. Col. Schenck terminated his examinations at Lafayette in October. Major Watts closed the survey of the New Albany and Crawfordsville route, and commenced his examinations on the New Albany and Vincennes road when its progress was interrupted by the lamented death of his assistant, Mr. Paul, and soon after he was so much disabled by sickness as to make it necessary for him to abandon the field. The party under Mr. Collins, after closing its operations at Terre Haute, returned to Vincennes, and finished the survey of the New Albany line to the termination of the survey by Major Watts.[23]

These surveys have been necessarily expensive, but it is believed that the fund of accurate topographical information that has been obtained as to a very considerable portion of the state, and of its susceptibility of improvement will be invaluable as the basis of subsequent legislation.

Justice and inclination require me to say that Col. Stansbury, the officer commanding the parties and their assistants have performed their several duties with a zeal and ability that command my entire confidence and approbation.

Believing the measure well calculated to advance the best interests of the state, and one that public sentiment called for, I deemed it my duty, at the last session of the Legislature, with some earnestness, to urge the propriety of adopting a well digested plan of Internal Improvement. It was then contended that the construction of public works on a scale that would benefit every

[23] The reports of these surveys are in the *Senate Journal,* 1835-36, as follows: Lawrenceburgh and Indianapolis Railroad, by Julius W. Adams, pages 113-14, 180-88; turnpike or railroad from Madison to Lafayette, via Indianapolis, Danville, and Crawfordsville, by Edwin Schenck, pages 110-13, 129-64; turnpike or railroad from New Albany to Crawfordsville via Salem, Bedford, Bloomington, and Greencastle, by Edward Watts, pages 115, 201-12; railroad from Evansville to Vincennes, by J. W. Collins, pages 113, 164-68; railroad from Vincennes to Terre Haute, by J. W. Collins, pages 113, 168-79; turnpike from New Albany to Vincennes, by J. W. Collins and Edward Watts, pages 115-16, 312-20; turnpike or railroad from Jeffersonville to the intersection with the Madison and Indianapolis line at Columbus, by Randolph Coyle, pages 114-15, 188-200.

portion of the state, was within the reach of proper efforts: that our sister states, whose examples were most successful, commenced under circumstances less favorable than ours—that whilst the state can command any desirable amount of capital, at five per cent. interest, it would be our true policy to promote such improvements as will prove beneficial to the country, and yield a profitable return for the investment—that such a course would not impoverish the state nor the people, but would enrich both: and that any increased taxation for a time, to meet the interest on loans, would be more than counterbalanced by the increased business, enterprize, and wealth. The experience derived from the work in which we are engaged, and the prosperous condition of other states, have confirmed me in the correctness of the opinions heretofore advanced, and I again recommend the subject to your favorable consideration.

The examinations made the last summer, by the canal and rail road engineers, will place you in possession of such facts and information in reference to the several routes, and of the susceptibility of the general face of our territory, as will allow you to act advisedly in the selections you may make. Of the several kinds of improvements proposed, it is believed that of canals should have preference over rail-ways or turnpike roads, on the ground that canals are cheaper, more permanent, and better adapted to the convenience and habits of the people, and to the character and products of the state. But in designating the several branches or parts of a general and connected plan, should you adopt one, you will find, that in consequence of the peculiar shape or formation of the surface of the state, it must embrace in its parts, a combination of canals, rail-ways and turnpikes, each having a beginning, connection with, or termination at the Lake, the Wabash canal, or the Ohio river; the Wabash canal constituting the main artery or trunk of the plan. And in discriminating between the relative value of each proposed work, that which will accommodate the greatest amount of population, commerce, and business generally, should be adopted. That of making a selection is a duty within the province and sound discretion of the Legislature, therefore the task of making an Executive recommendation is

relinquished, not entirely on account of its delicacy and responsibility, but because the reports to be made by the engineers, are not yet so complete as to allow an examination, and time for a decision.

The first step in most of the important works undertaken, have met with opposition from those who entertained fears of taxation, bankruptcy, and ruin; but of all the public works in other states, there are none that have been abandoned, or that have proved burdensome or unpopular with the people, even under the highest rate of taxation: on the contrary, they have uniformly become sources of wealth and comfort, monuments of public spirit and enterprize, and objects of just pride and exaltation with the people. These triumphant successes have settled the question as to the practicability and utility of public works, and encouraged by these examples, our citizens have manifested their willingness to enter with spirit upon a system that will contribute, not less to their own prosperity, than to the credit of the state.

If, after you shall have had a full and free conference upon the subject, you agree with me in the opinion, that the public policy, public interest, and public sentiment, require of you a liberal expenditure in the improvement of the condition of the state, and of the people, it will be for your better judgment to determine the extent of the investment: I will not, however, withhold the opinion, that you may safely expend the amount of ten millions without calling on the present or future generations for the payment of any portion of the principal under the process of taxation. But, to sustain an enterprise of such magnitude, a suitable provision should be made for the payment of the interest on the capital, one million of which would be needed the first year, and about an equal sum annually until the work shall be finished. The additional revenue required to meet the interests on the loan, would increase the whole amount of tax now paid by our citizens, one half, that is, he who now pays one dollar would have to pay the further sum of fifty cents each year.

To one who has not looked into the process, by which this fact is ascertained, it may appear strange that so small an increase in the rate of taxation, will meet the interest on so large a sum.

It is nevertheless certain, that an addition of one half on the present and annual increase in lands and other property, with the tolls that will be coming in after the first few years, will be amply sufficient. Of the vast increase of property liable to taxation, some idea may be obtained by comparing our population of 347,000 in 1830, with our present number of not less than 600,000; and we have unerring evidence, that the 4,650,000 acres of land returned for taxation last year, will be increased to 8,000,000 in 1840.

Relying on the correctness of these estimates, one enquiry only remains to be made, will our citizens cheerfully pay the small additional tax? Or, in other words, should the state, by a wise policy, open a market with increased prices for produce, and wages of every kind, will they pay a cent or two for each additional dollar thus put into their pockets? Of this you can best determine.

If, after your mature examinations of the subject, you think it advisable to embark, I beg leave earnestly to remind you of the policy and necessity of organising a Board of Public Works, with all needful powers to plan and carry on the improvements authorized.[24]

[24] A bill to provide for a general system of internal improvement was introduced in the House on January 11 and passed the following day by a vote of 56 to 18; it was amended in the Senate and passed that body on the 16th by a vote of 19 to 12. Differences between the House and Senate were ironed out by the 21st and on the 27th the Governor signed the "Mammoth" internal improvement bill, considered by historian Logan Esarey to be the most important measure ever signed by an Indiana governor. It carried appropriations aggregating $13,000,000, or one sixth of the wealth of the state. A six-member board of internal improvement was to be appointed by the Governor with the consent of the Senate, and upon this body rested the responsibility of taking such measures as were necessary to commence, construct, and complete the following works:

1. The Whitewater Canal extending from Lawrenceburg to Cambridge City; also a canal or railroad to connect the Whitewater and Central canals;

2. The Central Canal extending from some point on the Wabash River between Fort Wayne and Logansport via Muncie, and Indianapolis, down White River to the forks, thence to Evansville;

3. Extension of the Wabash and Erie Canal to Terre Haute, and then a canal linking it with the Central Canal;

In my last annual communication, I noticed the very laudable exertions of the Lawrenceburg and Indianapolis rail road company, and it is with great pleasure that I have since witnessed the zeal and perseverance with which they have commenced their work, giving satisfactory evidence of their determination to accomplish the enterprize. That route is destined to constitute a link in the great line of proposed rail-way from Charleston, South Carolina, to the Ohio river, at Cincinnati, and to the Lake. This

4. A railroad from Madison, via Columbus and Indianapolis, to Lafayette;

5. A macadamized turnpike from New Albany via Paoli, Mount Pleasant, and Washington, to Vincennes;

6. A resurvey of the route from Jeffersonville via Salem, Bedford, Bloomington, and Greencastle, to Crawfordsville, and construction of a railroad or road over the route;

7. Removal of obstructions in Wabash River;

8. A canal or railroad from the Wabash and Erie Canal near Fort Wayne to Lake Michigan.

The Assembly was divided in opinion as to the best method of financing the improvements. A majority of the members believed the people were willing and able to bear a small tax to carry on the work and tried very hard to get a tax of this kind in the revenue bill, but the minority of the friends of internal improvement joined its opponents to defeat every measure proposed. Madison *Republican and Banner,* February 4, 1836, letter to the editor. As finally passed, the bill authorized the Canal Fund commissioners to borrow from time to time a sum up to ten million dollars at a rate of interest not exceeding 5 per cent; for such loans the commissioners were to issue transferable certificates of stock in the name of the state. Loans were made on a credit basis. For payment of the interest and capital the state pledged the canals, railroads, turnpikes, and the rents, tolls, and profits arising therefrom. *Laws of Indiana* 1835-36 (general), pp. 6-21; Logan Esarey, *A History of Indiana* (2 vols. 3d ed., Fort Wayne, 1924), 1:412-14.

Enactment of the law was celebrated throughout the state by brilliant illuminations of buildings, fireworks, and speeches. This was especially true in those towns touched by the projected improvements. Any opposition that was apparent was not based on the propriety of the bill or on the amount appropriated but on the manner in which it was applied. In the words of the *Indiana Journal,* "It [the bill] will elevate the character of our state to a point which other wise it would not have attained for a score of years. . . . We doubt not that population and capital will flow into our state, in consequence of the passage of this bill, with a rapidity hitherto wholly unexampled, and we believe many of the present generation will live to see Indiana the third state in the confederacy." Indianapolis *Indiana Journal,* January 19, 1836.

public spirited association of our fellow-citizens do not intend to press their equal claims to pecuniary aid from the state. They ask her to take no share in the work; but they ask that from her which can be granted in safety, and to the great service of the public. They desire her to give them credit to the amount of five hundred thousand dollars, which they will satisfactorily secure by the most valuable landed property in the state, of fixed and convertible value, in double the sum, to be secured at the expense of the company, and as may be directed. Of their ability to do this, without the shadow of danger, to the state, I am convinced from my own knowledge of the estates of the members of the company, and, therefore, cheerfully recommend their reasonable request to the consideration of the Legislature.[25]

Not intending to elicit any action on your part, at this time, but for the information, as well as the gratification of the members of the Legislature, I lay before you two pamphlets with the proceedings of the citizens of Cincinnati and of Charleston, South Carolina; and, also, the messages of the governors of Georgia and North Carolina, all of which are in reference to the construction of a rail-way from Cincinnati to the city of Charleston. Considering that this is the nearest and most direct route to the sea-board, every step that may be taken to render it available, cannot but become a matter of deep and abiding interest to the people of Indiana.[26]

[25] The internal improvement bill authorized the Lawrenceburgh and Indianapolis Railroad Company to borrow $500,000 on the credit of the state, giving by way of security a mortgage on the real estate owned by the company. *Laws,* 1835-36 (general), pp. 16-19.

[26] The Assembly expressed its feeling toward the project of a railroad from the Ohio River to Charleston in two joint resolutions. The one reviewed the benefits that would accrue from such a line and tendered the several states engaged in the work Indiana's wishes for its "speedy and triumphant success," and the other asked Indiana's senators and representatives in Congress to aid in procuring a survey of the route to the Ohio River and then on to Michigan City in Indiana. *Laws of Indiana,* 1835-36 (local), pp. 384-86. The importance of a railroad connecting the states of the Old Northwest with the southeastern seaboard is brought out in A. L. Kohlmeier's volume, *The Old Northwest as the Keystone of the Arch of American Federal Union* (Principia Press, Bloomington, Ind., 1938), 22-30. President Lincoln is credited

The law of last session, providing for a change in our revenue system, does not require the clerks of the several counties to report the returns of the assessors to the Auditor of State, before the first day of December, consequently I am not able to present you with a view of the result of the valuations. From the best information I can obtain, however, it is believed that the disparity anticipated in the value of real estate in the old and new districts of the state, does not exist. If, upon a comparison of all the returns, this opinion shall be found to be correct, there can be but little reason to question the policy or justice of a change. The expenses of our state government have been hitherto, borne, principally, by the landholders, while other large, and generally, much more productive investments of capital have contributed little or nothing to the state treasury. Although some of our citizens object to the number of articles included in the law, it is confidently believed, it can be so shaped as to render it agreeable to their views—particularly when they see that the tax upon land will be reduced in proportion to the amount that is charged upon other subjects of taxation—such property as now pays nothing, and which can only be brought in by the change proposed. No good and satisfactory reason can be assigned why capital invested in town property, bank stock, merchandize, or money at interest, should not be subject to the same rate of taxation as an equal amount invested in land.[27]

with making the statement that had the railroad from Charleston to Cincinnati been built in the years immediately following 1835 the Civil War would not have come.

[27] An act "to provide for an equitable mode of levying the taxes" was passed at this session. All lands and town lots, with the buildings thereon, together with all improvements, and all personal property was declared subject to taxation with certain exemptions. Personal property was construed to mean and include household furniture, all moneys on hand, also all moneys loaned at interest, goods, chattels, public stocks, and stocks in moneyed corporations. For the purpose of state revenue the rate was fixed at five cents on each $100; the rate for county revenue was to be set by the boards doing county business. Five per cent of the gross amount collected for state purpose was to be set apart for the encouragement of common schools. *Laws of Indiana,* 1835-36 (general), pp. 25-39.

A correspondent of the Madison *Republican and Banner* believed the

There is to be found in the legislation of several of the late sessions of the General Assembly a departure from general rule and analogy, from which evil may arise, and which is at war with that principle in our government which requires that the operations of all laws shall be equal and general. I allude to the want of uniformity in the organization of our courts doing county business; to the modes of appointing township officers; and to the civil jurisdiction of justices of the peace. In some counties justices of the peace transact county business, in others, that duty is performed by commissioners elected for that purpose. In some instances township officers are chosen by the people, in others they are appointed by the courts doing county business. In some counties, justices of the peace have civil jurisdiction throughout the county, in others, they are restricted to the townships in which they reside, with perhaps, a stream or an ideal line for its boundary. These and similar examples should be arrested and the one or the

act would be unpopular with the people since it taxed a species of property that had heretofore been free of taxation. In his opinion it would reduce the taxes to be paid by the great body of the people, but would be especially severe on dealers in merchandise because it taxed their credit instead of their wealth. The writer then commented that the system of internal improvements upon which the state was launching should add greatly to the prosperity of the people and enable them to pay higher taxes. Letter to the editor, in issue of February 4, 1836.

A report made by the state auditor showing the amount of taxable lands and polls in the state in 1834 and 1835, together with the amount of assessments for those years, is printed in the *Senate Journal,* 1835-36, pp. 97-99. He summarized the figures given as follows: "from the foregoing table it will appear, 1st. That the increase of taxable lands from 1834 to 1835, is 559,986 acres. 2d. That the number of acres assessed for 1835, is 5,210,735. 3d. That the number of acres that should have been assessed in the different counties, (exclusive of school sections which have been sold to individuals,) as appears by the Tract Books of the Auditor's office, is 5,912,810. From which deduct the assessments of 1835, and there are 702,905 acres in the State not taxed for 1835. 4th. That the number of polls assessed in 1834, is 74,358. 5th. That the number assessed in 1836, is 77,041. Shewing an increase for the past year of 2,683 polls. 6th. That the aggregate amount of assessments for 1834, is $53,981, and 7th. That the aggregate amount of assessments for 1835, is $58,769. Shewing the increase in the assessments to be $4,788."

other principle should prevail. Our laws should be equal and uniform, resulting from that compromise of opinion out of which has grown the best principles of our republican form of state and national governments, and particularly, that which declares, that in legislation the majority shall rule.[28]

In a casual conversation with a gentleman last year in the service of the United States, I learned, that in making some geological examinations near the line of the National Road he had discovered indications of coal and other valuable minerals, which determined me to suggest the propriety of a geological and topographical survey of the state with a view of looking into her mineral wealth and resources, and, also of publishing under the sanction of the legislature a correct map. But as our new territory had not then been subdivided into counties and brought under civil jurisdiction, the recommendation was postponed. That objection having been removed by the legislature of last winter, I respectfully recommend the subject to your consideration. In all countries where mineral deposites have been discovered they have become leading items of commerce and wealth. In the mountain districts of Pennsylvania, Virginia, and Maryland, their iron, coal, marble, and gypsum will be the chief articles of commerce and of support to the public works. From the many indications and discoveries made, we have much reason to believe that this state abounds in such deposites; but without the aid and application of geological science they will never be perfectly developed. Should you think the measure advisable, the surveys for the two purposes can be confided to the same head, or that for geological purposes can be conducted alone.[29]

[28] The Senate judiciary committee to which this portion of the message was referred reported that it was inexpedient to legislate on the subject at this time. *Senate Journal,* 1835-36, p. 321. The House judiciary committee reported a bill (No. 217) to amend the act of 1831 regulating the jurisdiction and duties of justices of the peace. It passed the House but was lost in the Senate; the provisions of the bill are not known. *House Journal,* 1835-36, pp. 320, 385, 417.

[29] The Assembly authorized Governor Noble to correspond with the governors of Ohio and Kentucky and find out if those states would join with Indiana in a geological survey, and also requested him to

By an act of Congress of March, 1808, the sum of two hundred thousand dollars was annually applied to the manufacture of arms for the militia of the several states. Since this state came into the Union, near four million dollars have been expended under that act. The quota of arms allotted to Indiana, under the general distribution among the states, has, as yet been distributed among the militia; but where these arms are, or what has been done with them, no one can tell; nor, has the quarter-master-general been able to get any satisfactory information from the officers on the subject. It is believed, from other sources of information, that the light companies in many instances have been broken up, the arms delivered to them destroyed, converted to private use, or carried to other states by persons removing. In this way our loss in public property, of this kind, must amount to twenty or thirty thousand dollars. According to an estimate recently made at the ordnance department, about one thousand muskets are due this state; of which, about fifty boxes, with accoutrements, have, within the last month arrived at Madison. These arms are worth, at first cost, near fourteen thousand dollars; and as the impolicy of distributing them, as heretofore, has long since been so apparent as to induce many of the states to provide a safe depository, instead of delivering them to the militia, would it not be advisable for Indiana to adopt a similar policy, at least, until we can get some further account of those already distributed?[30]

The session before the last, I endeavored to point out some of the prominent defects in our probate system, and as a remedy,

open a correspondence with one or more eminent geologists of the United States regarding the manner and on what terms such a survey could be procured. The information obtained was to be submitted to the next General Assembly. *Laws of Indiana,* 1835-36 (local), p. 394. Noble wrote to Governor Lucas of Ohio and to United States Geologist George W. Featherstonhaugh. The latter's reply is printed below, 463-65; see 488n for Lucas' reply.

[30] A joint resolution regarding the public arms passed the House on February 6, 1836, but was lost in the Senate apparently because of the short time remaining before adjournment. *House Journal,* 1835-36, p. 453; *Senate Journal,* 1835-36, p. 664. The content of the resolution is not known.

proposed that the business should be transferred to the circuit courts, and that in consequence of the increased duties, the judges' salaries should be raised to one thousand dollars.—Satisfied with the recommendation then made, I beg leave now to reiterate it. In point of expense, it may safely be said, that the increased salary of the circuit judges will require less from the treasury than is now paid to the probate judges.[31]

The present session is the period fixed by the constitution for making a new and equal apportionment of senators and representatives, among the several counties in the state. In complying with the requisition you will unavoidably encounter such difficulties as arise from the great disparity in the size and population of the counties, and that reluctance which is naturally felt to any diminution in the number heretofore sent, which may be necessary to a just and equal apportionment. In acting upon the subject, it should be remembered that a numerous body is not the best, either for harmony, deliberation or despatch; and should your present number be materially increased, you may lessen the usefulness and business capacity of the body.[32]

During the past summer the foreign laborers upon the line of canal, resuscitated some of their old party animosities, which so often were the cause of collision in their native country, Ireland, and while under great excitement, from five to seven hundred on a side assembled for several days, armed for battle, to the great terror of the citizens of that vicinity. To prevent recurrences of the evil, the punishment known to our criminal laws for riotous conduct should be increased in proportion to such offences.[33]

There are several subjects within the range of my official duties

[31] The Senate committee on the judiciary reported toward the end of the session that in consequence of the time taken up with other weighty matters and the early day set for adjournment that it was useless to attempt to legislate on the subject of the probate courts at this session. *Senate Journal,* 1835-36, p. 586.

[32] The apportionment bill passed at this session increased the number of representatives from 77 to 100, and the number of senators from 31 to 47. *Laws of Indiana,* 1835-36 (general), 3-5.

[33] For further reference to the riot, see below, 418-23.

which may call for a special communication; should the necessity arise I will avail myself of that mode; in the mean time, I assure you of my readiness to unite with you, in any measure calculated to elevate the state, and benefit her citizens.

N. Noble

December 8th, 1835.

Treasurer's Report[1]

Treasury Department, Indianapolis

Dec. 9th 1835

The Treasurer of State, in obedience to the directions of the "Act concerning the Auditor of public accounts and Treasurer of State," submits the following report of the revenue and expenditures of the State, and the operations of the Loan Office, &c. from the 1st of December 1834, to the 1st December, 1835.

[No. 1.]

There was a balance remaining in the Treasury at the close of the last financial year of			$ 2,324 14
Receipts during the fiscal year from revenue of	1831	$ 7 10	
" " "	1832	77 76	
" " "	1833	103 49	
" " "	1834	44,348 78	44,537 13
Rents paid by Superintendant of State Prison			700 00
From sale of Michigan Road Lands			10,876 86
" " Lots, &c., at Indianapolis			10,111 14
Loans of Indianapolis Fund refunded			16,657 51
Interest on loans of Indianapolis Fund			2,059 66
Estates without Heirs			34 03
Monies refunded			10 00
Congressional Townships			550 00

[1] *Senate Journal,* 1835-36, pp. 54-58. Only that portion of the report covering the revenue and expenditures is printed here.

The receipts in the College branch of the Loan Office department have been, from Wm. Alexander, commissioner of Reserve township, in Monroe	1,804 36	
James Smith [ditto] Gibson	2,653 33	
Loans refunded	8,833 37	
Interest on Loans	2,518 19	
Sale of Mortgaged Lands of John Berry	500 00	16,359 25
The amount paid into the Treasury, of Saline Fund, appertaining to the Loan Office, has been, from Henry Young, commissioner Saline Lands in Washington county	592 57	
[Ditto] Andrew Wilson in Orange county	3,809 87	
" Loans refunded	500 00	
" Interest on Loans	682 47	
" Rents Salt Lick Reserves	234 12	5,819 02
		$110,038 77

The expenditures during the same period, have been,

Pay and mileage of members of the Legislature, including Clerks, Doorkeepers, &c.,	$19,194 72
Printing and Stationary	5,542 99
Specific Appropriations	2,621 05
Contingent Expenses	774 45
Premium on Wolf Scalps	606 50
Pay of Probate Judges	2,475 00
" Executive Officers	1,800 00
" Judges of Supreme and Circuit Courts	7,108 83
Pay of Circuit Prosecutors	1,144 29
" Adjutant and Quarter-master Generals	87 10

Payment on account of State house.....	26,131 74	
" " State Prison	4,085 01	
" " " Library	200 00	
" " Seat of Gov't.....	312 00	$ 71,083 68
Loans of Indianapolis Fund		2,908 35
Michigan Road Scrip redeemed		10,051 86
Treasury Notes burnt		27 00
Conscientious Fines distributed		9 00
Michigan Road		1,227 37
The disbursements on account of the College Branch of Loan Office, have been, Indiana College, including Incidental Expenses of Loan Office.....	2,930 08	
Loans of College Fund	10,205 00	13,135 08
Payments on account of Saline side of Loan Office:		
Amount of Loans.....	5,457 50	
" Specific Appropriations	1 62	5,459 12
" Cash on hand, Dec. 1st, 1835.....		6,137 31
		$110,038 77

The available means of the Treasury, for the ensuing year, may be estimated as follows:

Cash on hand 1st Dec. 1835.....$	6,137 31
The revenue of 1835 to be paid subsequently to 30th Nov. 1835	50,000 00
Amount to be reimbursed from Indianapolis Fund.....	6,000 00
Rent from Superintendant of State Prison.....	700 00
	$ 62,837 31

The expenses of the year may be estimated as follows:

Salaries of Judges and Prosecutors.....$	9,000 00
Executive Officers	2,600 00

Printing, Stationary, distributing Laws, &c.	5,000 00	
Legislature	22,500 00	
Contingent and specific Appropriations....	2,500 00	
Probate Judges	2,500 00	
Wolf Scalps	700 00	
State Prison	3,000 00	
State Library	200 00	
Adjutant and Quarter-Master Generals..	150 00	
The Treasury is also liable to the following existing Claims:		
Salaries and other claims not audited....	2,000 00	
College Fund in the Treasury	4,891 81	
Saline Fund	582 44	
Amount required to meet the cost of the Fire Engine, house &c.	1,200 00	
Militia Fines to be distributed	510 40	$57,334 65
Leaving a balance in the Treas'y Dec. 1, 1836, of.....		5,502 66

The unusual promptness which attends the collection and payment into the Treasury, of the public revenue, affords satisfactory evidence of the efficiency of our revenue laws, so far as regards the operation of collection; but there is reason to believe that the assessments are, in many instances, greatly deficient in uniformity, and otherwise partial and imperfect in their character.

The just claim of the people to a fair and equal distribution of the burthens of taxation, as well as the interests of the Treasury, would seem to require such legislative aid as will ensure a greater degree of perfection and uniformity in the assessments.

The gradual increase of our revenue, thus far, is equal to the growing expenses of the State; and will, it is presumed, under the present order of things, continue to be adequate to the ordinary expenses of the government. But should the Legislature deem it expedient to adopt a liberal system, in reference to internal improvements, and such adequate compensation to public servants

as may correspond with the enhanced value of every species of property, such change will be required in the revenue laws, as will be productive of a revenue considerably above that now realized.

The fund arising from the sale of lots at Indianapolis, which has been specially set apart for the erection of the State House, will be found inadequate to the completion of that edifice and its appendages, by an amount of from ten to fifteen thousand dollars. This deficiency may be supplied by a sale of the lots, and some of the public grounds yet remaining unsold, should the General Assembly deem it expedient to order their sale. The disbursements from the Treasury, on account of the State House, have already anticipated that fund to the amount of $6,000. Under the expectation that this sum would be reimbursed to the Treasury, by the sale of some of the public grounds, I have carried that amount into the estimates for the Treasury the coming year.

It has not been found necessary to negociate the loan authorised to be made by the Treasurer of State, by the act of the last session of the General Assembly. Although the Treasury has been somewhat straightened on account of the heavy expenses of the State House, yet by a prudent use of the authority given the Treasurer, by a former act of the General Assembly, to use for the purpose of the State House, any funds in the Treasury; the operations of the Treasury have not been materially embarrassed on account of a forbearance to make the loan authorised to be negociated.

The law establishing the Loan Office, has shown by its practical operation, to be admirably adapted to the productiveness and security of the funds authorised to be loaned.[2]

[2] Palmer is apparently referring to the sinking fund which was created by the act of 1834 establishing the State Bank. Such parts of the state loans as were not applied in payment of stock or loaned to individuals to pay their instalments, and all dividends not required to pay interest on the loans, were to constitute a sinking fund to be loaned out on mortgage, for such term and on such interest as the commissioners of that fund should determine. Samuel Merrill's explanation of the bank charter, in Indianapolis *Indiana Journal,* February 22, 1834.

The forms directed to be forwarded by the Treasurer of State to the School Commissioners in the respective counties, were prepared and forwarded in April last, but as the period has not yet arrived when the School Commissioners are required to make their returns for the present year, I am not able at this time to communicate to the General Assembly, the extent of benefit which may result from the act in question.

It will be discovered by the table of Receipts into the Treasury the present year, that the sum of $550 has been deposited by congressional townships through the School Commissioners, under the provisions of the 88th section of the "act incorporating congressional townships and providing for public schools therein," approved February 2d, 1833. The act provides that the proper township shall be entitled to draw from the state Treasury on the first of January in each year, the interest on the sum deposited, at a rate of not less than 6 per cent. As there is no authority under existing law for loaning this fund, I have thought it my duty respectfully to suggest whether, (as the state is bound to pay the interest annually,) the money should not be authorised to be loaned upon the same principles of the College fund.

The duties assigned to the Treasurer of State in reference to the purchase of a fire engine—the insurance of the State House; &c. have been performed as far as circumstances would permit; a detailed statement of which will be communicated to the Legislature in a few days.[3]

All of which is respectfully submitted

N. B. Palmer, Treasurer of State

[3] Up to this time fire protection in Indianapolis had been in the hands of a volunteer company with a meager assortment of buckets and ladders. The new State House was too tall for the company's ladders and too valuable to go unprotected. The Assembly in a joint resolution of February 7, 1835, authorized the Treasurer of State to purchase twenty-five fire buckets and four ladders of sufficient length to reach the top of the State House, and to insure the building while it was being finished. In addition the state agreed to pay half the cost of a fire engine and hose if the citizens of Indianapolis would pay the other half. The Marion Fire Engine Company was organized that year and a secondhand fire engine purchased in Philadelphia for $1,800. *Laws of Indiana,* 1834-35 (local), p. 267; Ernestine Bradford Rose, *The*

Noah Noble to John H. James[1]

INDIANAPOLIS Dec 14, 1835.

SIR Our Branch Bank at this place has restored your paper to the list of Land Office receipts on the condition that you redeem as other Ohio Banks are now doing at Cincinnati. This will open the way to a better and further intercourse, and as I have an assurance, that your other paper, recd in payment &c., will be paid out again, with as much as can be used of that which may come through the Land Offices, I feel satisfied that you will not feel any inconvenience from an arrangement of the kind. I have interested [?] myself somewhat, from the belief that the steps taken in Sept. with your paper, were hasty and are now regretted by the few individuals who induced them.[2]

I am Sir very respectfully

N. NOBLE

Noble to the Speaker of the House[1]

EXECUTIVE DEPARTMENT, INDIANAPOLIS, 30th Dec. 1835

THE HON. C. B. SMITH, Speaker of the House of Representatives:

SIR— I lay before the House of Representatives the particulars, in writing, of the late riots upon the line of the Wabash Canal, which were furnished at my request, by one of the Canal Commissioners. With this history I also submit the claims of the commandants, Captains Murray and Tipton, who at the head of their companies repaired to the scene of disorder in support of the civil authority and liberally advanced money and provisions for the service. It will be seen that the laborers along the line in the adjoining counties, had assembled in preparation for

Circle . . . (Indiana Historical Society *Publications,* Vol. 18, No. 4, Indianapolis, 1957), 367.

[1] Urbana (Ohio) Banking Company Papers, Indiana Historical Society Library.

[2] See above, 380n.

[1] *Documentary Journal,* 1835-36, [No. 18].

battle, making Wabash county the theatre of their riotous conduct, consequently that county would seem to be chargable with the expense of the arrests and prosecutions which followed. But as the occurrence was one of an unusual kind, growing out of and threatening the progress of the work in which the state is engaged, it is believed the treasury of that county is not justly chargable with the expense; and it is recommended that the commissioners appointed to assess damages to private property, or one of the Fund Commissioners be authorized to examine the different claims and direct their payment, so far as would be right, out of the Canal Fund.[2]

Respectfully,

N. Noble

Speaker of the H. of R.

David Burr to Noble[1]

Indianapolis, 30th Dec. 1835

His Excellency Noah Noble, Governor of Indiana

Dear Sir— In conformity with your request in relation to the disturbance amongst the Irish laborers on the canal, it is proper to state, that many persons of the two parties into which they are unfortunately divided "Corkonians and Fardowns," who had been engaged in those bloody affrays at Williamsport in Maryland, and at the "high rocks on the Potomac" within the last two years, had come since September in '34 to the Wabash and Erie Canal, with, as it is said, many of their leaders, and of course brought their animosities with them. And from that time up to the 12th of July last, when the general riot took place, manifested their ill will to each other by merciless beatings on such of each party as chanced to fall in the power of the other. On a considerable portion of the line there was no justice of the

[2] The Assembly authorized payment of the claims out of the canal fund. *Laws of Indiana,* 1835-36 (local), p. 309.

[1] *Documentary Journal,* 1835-36 [No. 18]. Enclosed in Noble to the Speaker of the House, above.

peace in these newly organized counties, and as these frays were confined to the Irish almost alone, and to the least worthy, as supposed, amongst them, not much effort was made truly, and perhaps could not well have been made by the civil authority to suppress them. This exasperated course of hostilities continued to increase until it became unsafe for them to travel from one part of the line to the other, without great precautions for their safety, and proceeded to such an extent that they were mutually affraid that each party would have their cabins burnt and their inmates slain in the night; from mutual fears and for safety they had so hired to the contractors that they had about equally divided the line between the parties. The Corkmen working on the upper part, and the Fardowns on the lower end of the line. The beatings of such as were caught from amongst their friends increased to such a degree, and the parties became so exasperated, that about the 1st of July, a determination became general that one or the other should leave the line, and the worthless amongst them by carrying the threats of burnings and murder which were to be committed by falling on the defenceless in the night, so excited their fears that they left their houses or cabins, men, women and children, and hid out in the woods without light or fire to betray the places where they were, and the whole line armed in military array, working generally in the day time until some idle report would get in circulation, that the other party was *marching* to fight them, at which times they would leave their work and hasten with great rapidity to the supposed point of danger. From the 4th to the 10th of July these alarms were constant and aggravated by the threats and outrages of the worthless. The length of line occupied by these belligerent parties was nearly fifty miles; and on the 10th of July the parties hastily collected, or rather left their work and commenced a march towards the centre of the line for a general battle.

Two days before this I reached that part of the line, heard there was to be a turn-out, but supposed it only rumour without foundation; saw several and tried to dissuade them that no such thing would take place. On the 10th, however, one of the Engi-

neers informed that all the workmen on the lower end of the line were armed and marching to the reputed battle field. I met them about half a mile from my residence in very orderly array, well armed, and not a noisy or a drunken man amongst them. They were forced, as they considered, to fight in order to protect themselves and prevent their being slain and their property burned at night; that the civil authority did not or could not protect them; that their families could not stay in their shantees, had to sleep in the woods, and they had no resource left but a battle; that the weaker party might leave the line; that they wished to work and remain peaceable, could not, but would rather fight fairly in open day than be subject to these depredations at night. On the assurance that order should be restored and that I would negociate a suspension of hostilities with the other party, I prevailed on them to wait until I could see their belligerent friends. I then went to the reputed battle field with three or four persons whom I supposed had influence with them, found them fully prepared, well disposed in a strong military position, exceedingly exasperated, and had some difficulty to save those who went with me from being killed. They expressed the same fears of the others, and after some persuasion consented to appoint persons to agree on terms of peace with the Fardowns and suspend hostile operations until the result of the meetings between the persons deputed to negociate the peace could be known. In the mean time the citizens at Huntington had become exceedingly alarmed at seeing this hostile array of so many men in arms with the avowed intention of meeting in battle with three or four hundred on a side—the civil authority completely controlled, and fearing their persons and property would not be safe, sent to Fort Wayne for aid of the militia. A company immediately was collected and in a few hours sent to their relief; they came to Huntington, the citizens had collected and organized a company also. By this time the citizens of Lagros became alarmed; they sent to Huntington for the troops to come there and protect them and aid the civil authority. So soon as I learned that the militia had turned out from 60 to 100 in number, I thought the force altogether

too small to do any good amongst seven or eight hundred armed men: I therefore sent to Logansport and requested their assistance, which was promptly rendered. The militia at Lagros, at my request, marched to Miamisport and met the two volunteer companies from Logansport, and all marched back to Lagros. Two magistrates and an associate judge were collected, and with the sheriffs of Huntington and Wabash counties, aided by the militia, arrested and committed eight of the ringleaders. Having no jail on the canal line which was considered safe, and for removing also the cause of contention, these men were sent under a strong guard to Indianapolis for safe keeping, where they were confined until liberated by a writ of habeas corpus for some informality in the proceedings.

There were more than 600 armed men of the Irish, and I am satisfied that no other course than the one pursued would have been sufficient to have restored order: by this prompt movement, and bringing in so strong a body of men, in such short time arresting the ringleaders. The commissioning of justices of the peace and organizing militia companies at Wabash, Lagros, and Huntington has restored, and I trust, will preserve order.

The Commissioners, Messrs. Johnson and Lewis, were at Fort Wayne at the time, and I had not the benefit of their advice. So soon as order was restored the Canal Board took more decided steps in their regulations and require each contractor to dismiss any laborer who may engage in a broil and give his name to the engineers that he may not be employed on the line.

The militia turned out on the first moment's warning; many of them happened only to be in town and marched off without any preparation whatever, and had of necessity to be supplied with money and provisions for their subsistence. These were furnished by many of the contractors and people on the line. Amongst those who were at the greatest expense, were Captain E. Murray, of Huntington, who took command of the temporary garrison at Lagros, assisted the civil authority in making the arrests, and with his company marched the prisoners to Indianapolis, and was engaged some three weeks in the service.

Col. John Spencer, of Fort Wayne, who headed the militia from Fort Wayne, and Gen. John Tipton, who was active in forwarding the volunteer companies from Logansport, and paid a large portion of the expenses. One of the prisoners who had been sent to Indianapolis, was arrested on his return to the canal line, convicted and sent to the penitentiary; on his way there he escaped from Mr. Johnson, the sheriff, who offered a reward of $100, and paid it, as I have understood, for his apprehension. The county of Wabash was also at great expense in sending the prisoners to Indianapolis. Other persons on the line were at much expense, also, in money and provisions, as of course must have occurred in a sudden emergency where the men were called from their homes without the least preparation whatever.

As this expenditure was so absolutely necessary for the preservation of order, and was the means of saving so many human lives, preventing at least 700 armed and highly exasperated men, from fighting a predetermined battle, and the means of preventing a total suspension of work on the canal which must have ensued for the greater part if not all of the season since July. It would be very desirable indeed if some provision, by law, could be made to remunerate those persons who have been at so great expense.

A part of the bills of the money expended are in the possession of the Board of Canal Commissioners, and will be furnished you by 12 o'clock this day. But as they have only a small part, the appointment of some person to hear and examine these claims, and authorize their payment, is respectfully suggested, and the propriety of selecting one of the Board of Fund Commissioners, who from having had no part in these transactions would constitute an impartial tribunal: and as the matter in question grew out of the operations on the canal, and they having the funds in their possession would seem to point out the fitness of such appointments and render it apparent.

With great respect,

D. Burr

Report of Committee on State Bank[1]

[House of Representatives, December 30, 1835]

The committee on the State Bank, to whom have been referred the reports of the several Branches, together with sundry other documents in relation thereto, have had the same, and all other matters submitted to them, under consideration, and have directed me to report:

The reports from the several Branches of the State Bank, and the other documents referred to the committee, have been attentively examined, in order to ascertain the operations of the Bank since its original institution, and it gives the committee much satisfaction to report that it exists in a more safe and prosperous condition, than could have been anticipated by its friends. These reports and an examination of the books of the Parent Board, together with the efficient assistance of the officers, have given the committee the most satisfactory knowledge of the condition of each Branch; and the committee is enabled to afford to the House, the assurance that so far at least, public confidence has not been misplaced.

The business of the past year has gradually increased with the prosperous activity and growth of our State, and the Banks have been enabled to sustain a much larger circulation than was expected.

Since the report of the President of the State Bank to the last General Assembly, the amount of circulation is as follows:

February 1, 1835		$ 656,545
March	"	753,415
April	"	831,705
May	"	997,475
June	"	1,131,240
July	"	1,186,795
August	"	1,311,320
September	"	1,343,555

[1] *House Journal,* 1835-36, pp. 152-59. This report is included in the present volume for the information it gives on the bank in the first year of its operation. It was presented by Richard W. Thompson.

October	"	1,422,835
November	"	1,616,290

This progressive increase of circulation has given capitalists abroad, the most entire confidence in the institution,—and its paper is now sought for with as much anxiety in the neighboring States, and in the eastern and southern cities, as the paper of any other western State Bank. It may be considered as an evidence of the favorable manner in which it is regarded by those who have directly participated in the use of its capital. Pressures in the money market, which were of common occurrence when we were dependant upon other States, for a circulating medium, have been removed, and the characteristic enterprise of our citizens has received an additional stimulus from the facilities to our commercial intercourse, afforded by the Bank. So great, indeed, has been the demand for money, that, at several periods during the past year, many of the Branches were unable to accommodate their customers. This has driven the paper to a distance from the Banks, and has thrown much foreign paper on deposite among the Branches, and at the same time confined the issues of paper to their aggregate credits or liabilities; no single branch having gone beyond its debts or means, as restricted by the charter.

Although the Bank has not been sufficiently long in existence, to develope the precise character of its debts, yet the combined operation of the many causes which have tended to give a character to its business, justify the belief that loans have been made, consistently with the interest and safety of the institution and the public. As the most of the loans, however, (as they ever must be to secure successful banking operations,) have been for the purpose of affording facilities for the exchange of the various commodities of the country, and have been consequently thrown into the hands of men whose interest it is to sustain the institution, there is nothing to apprehend from that source. The very facilities which are afforded by the Bank, make the means of ultimate payment more secure and afford the most abundant promise of punctuality.

It is not in the nature of commercial transactions that any system of credit should be placed entirely beyond the reach of

hazard, yet the constantly increasing wealth of our State, would be embarrassed without the use of banks and a currency of paper. It is not difficult to perceive how intimately connected, are the operations of trade and industry and the consequent developement of the natural resources of a country, and the business transactions of a bank. So interwoven is this connexion, that business of every kind, becomes active and prosperous where banks are so, and depressed where they are the opposite.

After this general view of the matter referred to them, the committee will lay before the House, the several propositions which have been made to them, in behalf of the State Bank and Branches, for amendments to the present charter:

1. It is asked, to vest power in the *Parent Board,* to increase the capital of the Branches to $250,000. It will be perceived that, by the charter, each Branch can apply, separately, to the Legislature for an increase of capital by individual subscription; yet the committee conceive that this power should be vested in the Parent Board, and that the increase of capital in each Branch, to the sum of 250,000 dollars, should depend upon the exercise of the sound discretion of that Board. . . .

2. It is asked, (and this is the most important amendment submitted to the consideration of the committee,) that power be vested in the *Parent Board,* to permit the Branches to discount to an average of *two and a half* times the capital paid in, *retaining the issue of paper,* as at present, two for one. The committee think that this privilege can be safely granted, as the charter reposes in the Parent Board the power to restrict discounts as low as *one and a quarter* the capital paid in whenever it may be deemed necessary. This power will, of course, be retained, and the excess, of issues over the *two,* as provided in the charter, will consequently, be upon deposites. The Branches can with ease, have debts due them, to twice the amount of capital paid in, without one dollar of deposites, either public or private; leaving deposites, both public and private, in the vaults of the Branches, as dead useless capital, either to the Branches, the public, or the depositors;—and also leaving the surplus fund, which now amounts to

$36,000, but will in a year or two be increased to $100,000, in the same condition.

In all banks not restricted as the Banks of Indiana are by the present charter, the average deposites are considered as much capital, upon which to predicate the *issue of paper,* as that paid in by stockholders on their stock. Other State Banks, of small capital, have no restriction whatever as to debts due to or from them. They are independent and controled by no power but their own discretion and public opinion—the first acting for the public good, and the latter the surest guarantee against oppression. The Legislature of Illinois at its last session, chartered a bank with branches, all of which commenced operations during the past summer. Her charter is a liberal one, her issues of paper can go to *two and one half the capital paid in,* and debts due to her can go to three for one; and her stock has been quoted at six per cent. advance, in the eastern cities. The committee conceive that there is possessed, in Indiana, as much financial knowledge and as much honesty of purpose, as citizens of other states, but, for the permanent and undoubted safety of our banking operations, they would not be willing to extend to the Banks of our State the almost unqualified privileges of the Illinois charter. This, however, is not solicited by the State Bank or Branches, and should it even be granted, it is not likely that the Branches would assent to it—each being, by the charter, mutually accountable for the other. It is only asked to so amend the charter, as to enable our Banks to operate in a usual business manner and on a usual business scale, retaining every restriction which an entire regard to the safety and character of the institution may require. It is asked to permit the Branches to loan deposites,—that power to be restricted to *one half* the amount of capital paid in, and this, only by permission of the Parent Board.

. . . The committee are of opinion that this previlege will be nothing more than engrafting to a very limited extent, the principles of *saving institutions*—so justly popular wherever they exist; and feel assured that it will not of course, be extended to the Branches, except to operate on the lowest average deposites,

including the surplus fund. If, in the current course of business, a Branch may not have an average of deposites high enough to justify her in extending to the *one half,* there is no doubt but she will pay a small interest, say three or four per cent. This is now authorized by the 21st sec. of the charter, which will, at all times, insure a sufficiency.

The banks in Louisville, Cincinnati, Baltimore, Philadelphia, and New York, pay an interest of four per cent. on deposites. The Indiana Canal Fund is now deposited in the Merchants' Bank of N. Y., at an interest of four per cent. per annum, by which arrangement the use of this amount is lost to the citizens of this State, and used to the advantage of the citizens of New York and the stockholders of that Bank. Were the Branches of our Bank permitted to use this fund, they could readily afford to pay the four per cent., thereby making a clear profit of two per cent. and afford the citizens of Indiana greater banking facilities, as well as the Commissioners of that Fund more extensive opportunities of transmission. There are, besides, many instances of our own citizens leaving money on deposite in Cincinnati and Louisville, at an interest of four per cent. per annum;—preferring their money to lie at a small interest, in the vaults of a safe and secure banking institution, from whence they can at any time draw it, rather than loaning it, out at a higher interest, where a certainty of being enabled to realize it, when wanted, could not exist.

The amount of individual deposites, in the several Branches, has gradually increased, from a very small sum, to $470,000,—that being the amount as reported to the State Board on the 12th December, 1835. The increase has been in a rapid but very regular ratio, and there is every reason to believe, that it will so continue. The committee are uninformed of any profitable results, either to the banks or to the depositors, which can possibly result from so large an amount of capital lying idle in the vaults of a Bank.

. . . . . .

The profits of a Bank arise principally from interest received on loans, and are consequently restricted where a bank is pre-

vented from using deposites When a deposite is made, the party making it either receives it in the notes of that or some other Bank, or is credited with the amount,—consequently he has always a surety of its safety and his right to withdraw the whole amount at any time. The notes of the Bank and the credits, therefore, arise equally from deposites, and since the Bank is, in all cases, liable for each, the *aggregate* amount should constitute the circulating medium. The officers of all Banks are taught by experience, what portion of these deposites may be safely loaned, or how far they may extend their discounts beyond the capital paid in as well as what amount of specie should be retained in their vaults. Though liable to be withdrawn at any time, experience has settled the fact, that "money so much oftener changes proprietors than place," and that whatever amount is subtracted from the vaults of a Bank, is so speedily replaced, as safely to regard deposites as an *effective* fund, which, concurring with the stock of the Bank, enables it to extend its loans, and to answer all demands against it, whether occurring from the amount of discounts or drafts upon its vaults.

The public deposites in the Branches, at this time, amount to about $1,000,000. This fund remains in the vaults of the Branches, under a pledge of security, useless and without value to the Branches or the citizens of Indiana; whereas, in other States, the deposite Banks operate *largely* thereon,—affording additional facilities to their citizens and profit to themselves. It is true, but a small portion of this fund ought to be used, but at present, no part of it can.

It is highly probable the present Congress will pass some law in relation to the public deposites, by which the deposite Banks will be compelled to pay a small interest thereon, after the same may amount to a given sum. If so, the Branches must at once reject them (unless as the committee conceive, the privilege asked for is given.) They will then be sent to Cincinnati and Louisville, where the deposite Banks, under their charters, can afford to pay the interest required, and where the fund will be loaned at a profit to the Banks and the public contiguous to them, and within their banking influence. Why should not our *own* Banks and our

own citizens derive those advantages? The committee can conceive of no good reason, especially as the money arises from the sale of lands within the territorial borders of our *own* State.

If the Branches should be compelled to reject the deposites, the committee think they are authorized in anticipating another evil. The deposite banks of Cincinnati and Louisville will *not* receive the paper of the Indiana Banks, through the Receivers of Public Moneys, unless the Branches negotiate arrangements with them to *redeem* their notes, *monthly,* at their counters;—thereby making our Branches tributary to those Banks, and operating as a powerful drain upon the circulating medium of the State.

It has, in the conception of the committee, been truly said, that our charter was made, rather for the security of the bill holder than the benefit of the stockholder. If something in the character of the amendments asked for, should not be granted, the committee think that the stock must prove unprofitable to its holders, (which includes the State,) and they perceive reasons to fear that the individual stock may fall into the hands of men who may abuse the very few powers already given. Surely it is not impolitic to leave something to the discretion of the Parent Board and the Directors of the Branches. They are selected from the most prudent, responsible and intelligent class, and are sworn to do their duty. If any loss occur, it comes out of the individual stockholders, and in certain cases, the Directors of the Branches are made individually responsible for their acts. The Branches report their condition to the Parent Board every two weeks, and by the *fortieth* and *forty-fourth* sections of the charter, full power is vested in the State Board, to suspend *instanter* any Branch, or to finally stop them and close up their concerns. . . .

It is believed that Indiana affords as fine a field for banking operations on a limited scale, as any other state in the Union. Our citizens are, comparatively, out of debt. Our resources are extensive, and rapidly increasing. There is every prospect of a large accession of capital, through the projects of the system of Internal Improvement, now contemplated. Our Banks are connected by ties of mutual interest and responsibility, and are inter-

ested in supporting the credit and character of each other. In this commendable feature, our Banks are peculiar. Such is not the case in other states, where Banks are independent—have no community of interest, and are regardless of the credit of each other. . . .

Our banking capital is very small, in comparison with that of other states. When our whole capital is paid in, it will be but $600,000 more than the smallest bank in the city of Cincinnati, (being now about equal) while the whole banking capital of Ohio, is, at this time, about $12,000,000, and that of Kentucky about the same. In this state, our Banks can easily keep out the whole of the paper they are authorized to issue, that not amounting to more than *one-half* the circulating capital of the state; as is partially evidenced from the fact that four-fifths (there being $571,033) of the paper in possession of the Branches is the issue of foreign Banks. These difficulties would be removed, and the circulating medium of the state would be the issues of our own Banks, was our capital extended to *four* or *five* millions of dollars.

It is asked to permit the branches to extend their issues to an average of *two and a half*. There are many reasons in the conception of the committee, why this should be granted. In the fall and winter months much larger sums of money are wanted than at any other season of the year, (such, at least, has as yet been the case) particularly for operations in pork. These sums are usually raised by bills of exchange on New-Orleans, New-York and Baltimore, which bills fall due and are paid in the spring and beginning of summer—thereby reducing, suddenly and greatly, the discounts. At this season of the year the demand for money is limited. Therefore, if permission was given to go, during the fall and winter months, beyond the *two and a half,* as much as, during the spring and the beginning of the summer months, they go back, so as to make the *annual average* two and a half and no more, the privilege would be greatly to the advantage, both of the branches and the public. Whereas, if they are kept to the rigid *two* or *two and a half,* they will be compelled to keep their discounts up, at all times, to their limit, in order to clear six per cent. after the payment of expenses. It is found much to the

advantage of the community to run down the amount of discounts, at some seasons of the year, so that, at other seasons, the same may be increased. But, at present, the branches must, for the reasons above stated, keep up, at all times, their limit. The propriety of this power, the committee therefore think, must be perceptible.

It is asked to make the extension prayed for, *exclusive of cash balances and deposites in other banks and branches*;—that is, when one branch has cash deposited in another bank, it shall not be considered a debt due, in contemplation of the charter. This, the committee think, is already so. Among all financial business men, deposites in banks are considered not as debts due them, but as cash. Without this, the banks could not exist—but to silence *cavil* and *misinterpretation* the committee perceive its entire plausibility. . . .[2]

Annual Report of the State Board of Agriculture[1]

[December, 1835]

To the Honorable Legislature of the State of Indiana:

Agreeably to the provisions of "an act for the encouragement of agriculture," approved February 7th, 1835, it becomes the duty of the State Board of Agriculture to make report to the Legislature.[2]

[2] Some of the changes recommended by the committee were incorporated in the act of this session amending the charter of the state bank. *Laws of Indiana,* 1835-36 (general), pp. 21-23.

[1] *Documentary Journal,* 1835-36, [No. 23]. In addition to the report printed here, the *Documentary Journal* contains the proceedings of the state agricultural society and various resolutions and reports of that organization.

[2] The board, composed of Samuel Moor, John Owen, Moses Henkle, Larkin Sims, and James Blake, had been appointed by the Governor on April 10, 1835. *Executive Proceedings, 1816-1836,* p. 277. This is the only report made by the board. After two or three years it ceased to exist due to lack of funds to meet its expenses.

In entering upon the duties of their appointment, the first object to which the Board directed their attention, was the formation of agricultural societies in the several counties in the State. To facilitate this object, the Board prepared, printed and circulated throughout the state, a circular address, containing such instructions and advice as it was thought would most likely be effectual, accompanied by a form of by-laws and general regulations for the government of the respective county societies.

In a considerable number of counties, societies have been formed and regularly organized. A portion of these have held agricultural fairs, which have been productive of the most happy and encouraging results. A few of the societies sent up delegates to the annual meeting of the State Society, and sent in their annual reports. . . .

The law contemplates the collection by the State Board, from the reports of county societies, of such information on the local condition of agriculture in the several counties, as should enable the Board to lay before the Legislature, something like correct and authentic agricultural statistics of the whole state. This object however, cannot be attained the present year; for in many counties organizations have not yet taken place, and in others, their organizations have so recently occurred, that they have neither had time to obtain the requisite information, nor to get into a regular and systematic course of operation. Considering the time, and all the circumstances, the Board are of opinion that the law has been productive of very desirable effects. Enough has already been done to beget a new feeling on this subject, and give most hopeful promise of the ultimate and complete success of the plan. In some counties, quite an agricultural revolution has been produced; and in all the local reports, are to be found items of cheering intelligence, or plans promising future usefulness.

When this system of annual reports from county societies shall become perfected, it will enable the Board to lay before the Legislature each year, an exhibit of the kinds, quantities, and value of products and manufactures in each county in the state, which cannot fail to be highly interesting and useful to all.

In the provision made in the law for an annual convention of delegates from all parts of the state, to devise plans for promoting the common cause, the Board recognize an arrangement calculated to give to the general interests of agriculture, a powerful and highly beneficial impulse. The late annual state meeting, appreciating the importance of this matter, resolved to ask of your honorable body for such amendment of the law as shall provide in future meetings, a delegate from each county. . . .

. . . . . .

The subject of an agricultural library has claimed the attention of the Board, as one of interest and great value to the common concern; but as that subject was taken up by the State Society, it has already been laid before your body by an order of that meeting.

Impressed with the necessity, to the prosperity of our agricultural operations, of more extensively introducing into this State, improved breeds of cattle and other domestic animals, a committee has been appointed to collect information and digest plans for the more effectual accomplishment of this object.

The introduction of the culture of cotton, tobacco, and silk, into our state, are subjects to which the attention of the Board has been directed by resolutions of the State Society. . . .

The Board have been desirous to increase the amount of useful information to be collected by them, by prosecuting a correspondence with distinguished agriculturists in different parts, but as no means were placed at their disposal, for this, or any other object, they have been in a great measure cut off from this desirable source of valuable intelligence.[3] The propriety is submitted to the Legislature of placing at the disposal of the Board, a small sum for this, and similar uses.

[3] Moses Henkle, secretary of the board, apparently made an attempt at correspondence, for among the Henry Clay Papers in the Library of Congress is a letter from him to Clay, dated August 24, 1835, in which he asked for any advice or hints that Clay might care to give to the newly created board, especially in the matter of organizing agricultural societies. It is not known whether Clay answered the letter.

The want is very seriously felt, both of an agricultural periodical suited to our portion of country and the condition of our agriculture,[4] and also of an elementary book, affording a plain, comprehensive, and useful view of the science and practice of agriculture. The first of these subjects was, by the State Society, referred to a committee, and they have hopes of effecting a satisfactory arrangement, for the publication of a periodical of the kind in question. In regard to the other, a manual of agriculture, it is for your body to consider whether the general interests of agriculture might not be promoted by directing the compilation of such a work, a portion of which should be taken by the State for distribution in the different counties.

By adopting a general system of agricultural improvement, every available auxiliary means should be put in requisition, which promises beneficial results; hence the Board would be pleased to see an agricultural, in connection with a geological survey of the state, as recommended by the Executive. In other countries so high a value is placed on these surveys, that they are prosecuted with great minuteness, and at an immense expense of government. Here, little need be expended, especially when connected with a kindred object, to procure most valuable information.

Another subject to which the Board would very earnestly invite your attention, as vitally connected with the prosperity, honor, and usefulness of agriculture and agriculturists, is an experimental farm and agricultural school.

. . . . . .

M. M. Henkle, Sec'ry

[4] Henkle began publication of a weekly paper called the *Indiana Aurora* in August, 1835, which was to be "devoted to agriculture, education, internal improvements, etc." It was distributed to the members of the General Assembly during the session along with copies of the *Indiana Democrat* and *Indiana Journal.* Only one issue is known to have survived, that of December 26, 1835, and it is in the Library of Congress. The paper apparently was discontinued the following March, when Henkle began publishing the *Indiana Farmer,* a periodical that was devoted more exclusively to the interests of agriculture. It was continued until sometime in 1837.

James Cunningham: Certificate of Vacancy in Office of Associate Judge, Warren County[1]

[January 4, 1836]

STATE OF INDIANA } SS
WARREN COUNTY }

I James Cunningham Clerk of the Warren Circuit Court do certify that it has been represented to me in writing by respectable citizens of this county that there is a vacancy in the office of associate judge in said county occasioned by Hugh M King late associate judge removing or leaving the county

Witness my signature & the seal of said court this 4th day of January AD. 1836

[Seal] J. CUNNINGHAM Clerk

GOV NOBLE—You will no doubt be surprised at the above Cert appearing in the form that [it] does the circumstances are these Judge King left this county in June last for the south on business and as he then said with a view of returning in the fall and his family left at the same time as I lern for the state of Ohio sometime in Septr or Octr last King returned to the county of Vermillion but not here and I am informed he left Vermillion and went to the state of Ohio or Pennsylvania—and has not returned and perhaps will not—I believe his property both real & personal in the county has since been sold by his Agents—I have but little doubt but the office is vacant but am unwilling to certify so officially

Yours Respectfully J CUNNINGHAM

[Endorsed:] Writ of Election Issued 25th March 1836

David Robb to Noah Noble[1]

REGISTERS OFFICE AT LA PORTE 4 of January 1836

SIR Some inconvenience having frequently occured for want of an officer authorised to administer the numerous oaths now

[1] ADS. ISL: Archives Division, Secretary of State file.

[1] ALS. ISL: Archives Division, Governors' Correspondence.

required to be taken by purchasers of the public lands, I have prevailed on a young man who is writing in my office to make application for the appointment of Notary Public, that those who wish to enter land may have an opportunity of taking their affidavits without the trouble of going to a justice of the peace, or elsewhere to have the oaths required, administered.

In accordance with this arrangement Application will be made, th[r]ough Judge Everts and the necessary Bond will be presented.[2]

If you will be so good as to make the appointment it will considerably contribute to the convenience of those who become purchasers of public lands at this office, and confer on me a favour which I trust will be duly appreciated.

I am Sir with great respect Your Obt. St

DAVID ROBB

HIS EXCELLENCY NOBLE

Robert M. Evans to Noble[1]

EVANSVILLE Jany 11th 1836

HIS EXCELLENCY NOAH NOBLE

SIR Not having been honoured with any communication from you, nor yet had the pleasure of any corrispondence with you since I saw you last I feel delicate in troubling you with this short address. But "facts are stuborn things" I, in common with many other citizens, have just learned, that if a bill passes to establish the Central Canal, and to make Evansville on the Ohio a point, measures have already been taken to procure the appointment of Mr. Amos Clark, as one of the commissioners. I think

[2] Robb's letter to G. A. Everts, president judge of the Eighth Circuit, is also in the Governors' Correspondence. In this Robb asked for the appointment of Samuel Burson as notary public, and enclosed the necessary bond. Everts was to present Robb's letter to the Governor in person, and pay the cost of the seal on the commission. The Governor appointed Burson notary on January 27, 1836. *Executive Proceedings, 1816-1836,* p. 499.

[1] ALS. ISL: Indiana Division, Noble Papers.

it my duty to say to you, (and, I do this at the request of many citizens, some of whom, from their great respect for Mr. Clark, signed that recommendation without due reflection) that it would [be] inexpedient, and perhaps highly injurious to the best intrests of peace, and perhaps to the public generally, to have any man appointed commissioner who resides in or has any intrest in the town of Evansville, until such time as the permanent location of the canal is made. There is some feeling existing between those who have an intrest, some in the upper part, and some in the lower part of the town on that subject. It is desirable to keep those feelings down. We hope you will not make an appointment prematurely. Some citizen will be recommended to your Excellency who does not reside in the county. *Mr. Clarks views are well known.* So soon as the Canal is permanently located, we consider Mr. Clark woud make an able and useful commissioner, but until that time arrives we prefer one wholy disinterested.[2] Please excuse the liberty I have taken.

In haste &c

R M Evans

Charles H. Test, Jr., to Noble[1]

Rushville Indiana 20 January 1836

To His Excellency the Governor of the State of Indiana

Dear Sir—Bad health, and a salary quite too small has induced me to tender to you a resignation of the office of President Judge of the Sixth Judicial circuit— I am grateful to those who elected me to the station hereby resigned, but think the change of times, and the currency of the country should induce the

[2] When Samuel Hall, who was appointed to the newly created Board of Internal Improvement, resigned in September, Amos Clark was appointed to replace him. When his name was presented by Noble to the Senate for confirmation, it was rejected. John A. Graham of Warrick County was then appointed by Noble and confirmed by the Senate. See below, 440-41n, 512.

[1] ALS. ISL: Archives Division, Secretary of State file.

Legislature to raise the salary of the judicial officers, thereby to increase the respectability of our courts

Yours respectfully CHARLES H TEST

HIS EXCL. N. NOBLE—

[Endorsed:] Filed 7th Decr 1835 [to take effect January 20, 1836][2]

Fulton County Citizens: Recommendation for Appointment of Sheriff and Coroner[1]

[January 26, 1836]

To the Honable the Governor of the Staite Indiana

Wharas a meeting this day has been held in Fulton County the proseding theirof are within Closed and we the undersigned pray Your Honor to Commisson Robert Martin for sherriff and Lot N. Bozarth for Coroner of Said County if A Law has passed or should pass in General Assembly to Organised said County and we [your] humble petioners in duty Bound will ever pray

January 26th 1836

EBENEZER WARD
A. CHAMBERLIN
J. BUZAN

[On reverse side]

A Meating of the Citizen of Fulton County held at the house of James Moore in Rochester on the twenty sixth January for the purpose of recommending some suitable person for the

[2] Test's resignation was communicated to the House of Representatives on December 10, 1835, and on that same day Samuel Bigger was chosen as his successor by joint ballot of the members of the House and Senate. *House Journal,* 1835-36, pp. 32, 34. Two other president judges and five prosecuting attorneys were chosen at the same time. The salary of the president judges, as established in 1817, was $700 a year. At this time the Sixth Circuit included Randolph, Delaware, Henry, Wayne, Union, Fayette, and Rush counties. President judges traveled the circuit and held court in each county twice a year.

[1] LS. ISL: Archives Division, Secretary of State file.

Sherriff & Coroner Office to the Governor of the Staite of Indiana, and Ebenezer Ward being Called to the Chair and M. B. Brouillette Secretary, Voted that we recommend Robert Martin as Sherriff of Said County allso Voted Lot N. Bozarth for Coroner Voted that E. Ward A. Chamberlin J. Buzan be a committe to pettion the Governor to Commission the above named persons Voted that the poceding of this meating be signed by the Chairman and Secrettary of this meating

M. B. Brouillette Ebenezer Ward

[Endorsed:] Shff Fulton Robt. Martin Appd N. Noble Issd. 1st Mch 1836[2]

Noble to the Senate, Nominations for Internal Improvement Board[1]

Executive Department,

Indianapolis, January 30, 1836.

To the President of the Senate,

Sir—As members of the Board to be organized under the act providing for a general system of Internal Improvement, I submit for the consideration of the Senate, the names of the following individuals:[2]

Samuel Hall, *of Gibson county;*
John G. Clendenin, *of Orange;*
Thomas H. Blake, *of Vigo;*
Gustavus Clark, *of Lawrence;*
John Woodburn, *of Jefferson, and*
Elisha Long, *of Wayne.*

N. Noble

[2] The act organizing Fulton County was approved by the Governor on January 23, 1836, to become effective April 1. The boundaries of the county had been laid out the previous year. In addition to appointing Martin sheriff, the Governor appointed Bozarth coroner and issued on March 1 a writ of election setting the first Monday in April as the time for the election of the other county officers. The Governor's appointees served until the time of the regular election in August when a sheriff and coroner were elected by the people. *Executive Proceedings, 1816-1836,* pp. 707, 713.

[1] *Senate Journal,* 1835-36, p. 575.

[2] The State Board of Internal Improvement was created by the act

James Morrison to Noble[1]

Senate Chamber Febry 1st 1835 [1836]

His Excellency Noah Noble Governor of Indiana

Sir, Pursuant to a Resolution of the Senate, I have the honor to announce to your excellency, that the Senate has advised and consented to the nominations of all the nominees indicated by you, as members of the Board of Internal Improvements except that of Gustavus Clark of Lawrence County, which nomination the Senate has *not* been confirmed

I am Sir Very Respectfully Yr obt servt

James Morrison secretary of the Senate

Noble to the Senate, Nomination for Internal Improvement Board[1]

Executive Department,

Indianapolis, Feb. 1st, 1836,

To the President of the Senate.

Sir—As a member of the board of Internal Improvement for the New-Albany and Crawfordsville Road, I submit for the advise, and consent of the Senate, the name of Jacob B. Lowe, and if not confirmed, then that of David H. Maxwell.

N. Noble

of January 27, 1836, to consist of the Wabash and Erie Canal Commissioners and six persons to be appointed by the governor with the advice and consent of the Senate. They were to serve for three years. The nominations of Hall, Clendenin, Blake, and Long were confirmed on the first vote; Woodburn was first rejected by a vote of 12 to 17, but was later confirmed by a vote of 15 to 14. Clark was rejected by a vote of 9 to 19. *Senate Journal,* 1835-36, pp. 575-77. See below for further nominations.

[1] ALS. ISL: Archives Division, Governors' Correspondence.

[1] *Senate Journal,* 1835-36, pp. 579-80.

James Morrison to Noble[1]

SENATE CHAMBER 1st Febry 1836

HIS EXCELLENCY N. NOBLE, Governor &c

SIR Pursuant to a Resolution of the Senate, I have the honor to inform you, that the Senate having first rejected the nomination made this day by your Excellency of the name of Jacob B. Lowe as a member of the Board of Internal Improvement, have *advised and consented* to the name of his alternate David H. Maxwell as such member.

I have the honor to be your Obt Servt

J MORRISON Secy of the Senate

Ebenezer M. Chamberlain to Noble[1]

REP. HALL Feb. 2nd 1836

SIR I would respectfully recommend Aaron M. Perine of Kosciusko County as a suitable person to be appointed Sheriff of said county, for its organization, under the Act of the present session of the General Assembly.

I would also recommend James Hostetter of Noble County, to be appointed Sheriff of Noble County, for the like purpose—[2]

Respectfully Your Obt. Servt.

GOVERNOR NOBLE— E. M. CHAMBERLAIN

[Endorsed by Noble:] Appd as to Noble County N. Noble March 1836

[Endorsed by Secretary of State:] Issd. 17 Mch 1836 Writ of election issued for 1st Monday in May

[1] ALS. ISL: Archives Division, Governors' Correspondence.

[1] ALS. ISL: Archives Division, Governors' Correspondence. Chamberlain was representing La Grange and Elkhart counties and adjacent territory in the General Assembly at this time.

[2] Acts organizing Kosciusko and Noble counties had been approved on February 4 and 6, the first to become effective June 1 and the latter on March 1. Thomas Powers was appointed sheriff for Kosciusko County and James Hostetter for Noble. Chamberlain's lumping of the recommendations together apparently caused the Secretary of State to make an error in recording the name of Perine for the appointment

Noble to the Senate, Nomination for Fund Commissioner[1]

EXECUTIVE DEPARTMENT,

INDIANAPOLIS, Feb. 4, 1836.

TO THE PRESIDENT OF THE SENATE,

SIR—To fill the vacancy occasioned by the death of the Hon. William C. Linton, one of the fund commissioners, an appointment since the last session of the legislature, was made to Samuel Hanna of Allen county, whose name is now submitted for the advice and consent of the Senate, for the same office.[2]

N. NOBLE

Report of Senate Committee on the State Prison[1]

[SENATE CHAMBER, February 6, 1836]

The commitee on the affairs of the state prison to whom was referred sundry documents relative to said person [prison], have had the same under consideration and report the following abstract amount of sales of manufactured articles and all the products of the labor of the convicts from December 1834 to December 1835, is $10,800 07. Aggregate amount of expenditures for the same period is $5,492 31 3-4cts. There has been confined in the prison the last year, as per report of superintendent, 77 convicts of whom 47 were convicted of larceny, 3 for passing counterfeit money, 4 of manslaughter, 2 of assault and battery with intent to kill, 5 of forgery, 2 of burglary, 2 of abetting crime, 2 of perjury, 2 of manslaughter, 1 of stealing, 1 of rape, 4 of A and B with intent to murder, 2 of robbery.

of sheriff in Noble County. However, the return of the first election was made by Hostetter. Perine was elected probate judge in Kosciusko County. *Executive Proceedings, 1816-1836,* pp. 706, 709, 714, 715. See below, 445-46, for the recommendation of Thomas Powers.

[1] *Senate Journal,* 1835-36, p. 611

[2] Hanna was confirmed by the Senate. See also 356-57, 361, above.

[1] *Senate Journal,* 1835-36, pp. 635-36.

The committee have also had under consideration so much of the message of his Excellency the Governor, as relates to the state prison, requesting the legislature, should they consider it advisable, to make it the duty of one or more of the state officers to ascertain whether, and if so, for what sum prison and prison grounds can be sold, and upon what terms a new and more capacious one can be built at or near the seat of government.

Also, so much as requests the legislature to express an opinion, should they think proper so to do, whether the criminal laws are complied with, in permitting the superintendent to remove the convicts from the prison, to operate in brick yards and other places in the town and its vicinity; have according to order had those subjects under consideration, and have directed me to report that legislation upon those subjects at this time is inexpedient, and ask to be discharged from the further consideration of the same.

Noble: Proclamation on Letting of State Prison Contract[1]

[February 10, 1836]

WHEREAS by an act of the General Assembly of the state of Indiana, entitled "An act for the regulation of the State Prison," approved February 10, 1831, it is made the duty of the Governor to farm out said prison, together with all the stock, tools, materials, prisoners, and everything belonging to, or in any way connected therewith, to some responsible person, by contract, for such period, not exceeding five years, as to him may be most conducive to the benefit of said institution and the interest of the state;

NOW THEREFORE, I NOAH NOBLE, Governor of the State of Indiana, do hereby proclaim to all whom it may concern, that I will, on Monday the 28th day of March next, at the office of the Secretary of State, receive sealed proposals for the farming out of said prison for the term of five years from the 13th day of June next, that being the time when the existing contract will expire. The proposals must be accompanied by the names of the

[1] Indianapolis *Indiana Journal,* February 13, 1836.

sureties who may be willing to be responsible for the faithful performance of such contemplated contract, and with satisfactory vouchers of the personal character and capacity of proposed contractor.[2]

In testimony where of I hereunto subscribe my name and cause [seal] to be affixed the seal of said state.

Done at Indianapolis the 10th day of February, 1836.

N. Noble

By the Governor, Wm. Sheets, Secretary of State.

Kosciusko County Citizens: Recommendation for Appointment of Sheriff[1]

[February 13, 1836]

To his Excellency Noah Noble

Governor of the State of Indiana—

The undersigned would respectfully represent— That they are citizens of the County Kosciusko, in the State of Indiana— That they have Petitioned the Legislature at their present session to pass an act authorizing the organization of the same— That they confidently believe that Honorable Body will grant their request, & that it will be prerogative of the Executive, to appoint some person in said county, to act in the capacity of Sheriff. They take the liberty therefore, respectfully to recommend Thomas Powers to your Excellency, as a Gentleman worthy of public trust— one of the first setlers in said county, & whose ability, skill, & integrity in the opinion of the undersigned, eminently qualify him to discharge the duties of said office, & entitle him to the confidence of his Fellow Citizens. Signed

John Wester	Joseph Terrel
Amos Wester	Lester L Smith
Joseph Harden	Levi Miller

[2] The contract was awarded to Patterson and Hensley on a bid of $18,100 for the five-year period. See below, 482. Under the previous contract the superintendent paid $700 annually.

[1] DS. ISL: Archives Division, Governors' Correspondence.

Joseph Norriss
Lucas Vanasdal
Frederick Brown
Mihel Norriss
John Norriss
Philip Norriss
Joseph Snively
Dominique Rousseau
John G Woods
Charles Ervin
John Ervin
John Ridinger
William Norris
Jacob Felkner
Wm. Felkner
Charles Devault
Isaac Kerkendall
Stephen Green
John Cramer
Elijah Miller
David Dusenberry
Aaron M Perine
Bentley Jarrell
Joshua Shinn
Benajah Colier
Samuel Crosson
Henry Ward
George Norriss
James A. Mackey
Thomas Hall
Samuel Craig
John Corn
James L Davis
George See [or Lee]
Thomas Mason
Metcalfe Beck
Oliver Wright
David McClary
George Robinson
Alson Stephenson
John Craig
Anthony Woods
Samuel Sackett
Isaac Bliven
George Beal
Hugh McCoy
Hiram Geer[?]

[Endorsed by Noble:] Appointed 22 Feby 1836 N. Noble
[Endorsed by Secretary of State:] Issd. 24 Feby 1836 Writ for election of associate judges &c for 1st Monday in Apl. issued
[Postmarked:] Goshen Ia Feby 13th

Celebration of Washington's Birthday[1]

[February 22, 1836]

"On Wednesday evening the 22d inst. a [large] and respectable number of the mechanics [and] working men of Indi-

[1] Indianapolis *Indiana Journal*, February 27, 1836.

anapolis and its vicinity convened at the house of Mr. Wm. More[land ?] for the purpose of celebrating the anniversary of the birth of Washington. His excellency Gov. Noble and ex-Gov. Ray honored the meeting with their attendance. . . . After partaking of an excellent supper . . . extracts from Washington's Farewell Address were read by Dr. E. Helfenstien, which were succeeded by several lively airs from the Indianapolis band."

[An address was delivered by Mr. G. Pattison. Among the volunteer toasts was one by Governor Noble—] "Our free institutions—secured by the efforts of the Father of his country and his co-temporaries. Let us be grateful to them, and faithful to ourselves and mankind in transmitting them in perpetuity to those who succeed us."

John Ewing to Noble[1]

WASHINGTON Feb 25 1836

DEAR SIR I will duly attend to all the names & papers on your list & will get the information you ask for as soon as practicable & send it to you—

Mr Law of Vincennes is here—[2] He has gone over to the spoils party body & soul & is I am told confident in his assertions that Indiana will go too— My information from other quarters had led me to expect better things— Our prospects are the best in the world in Ohio & Pennsylvania & our New York friends assure us that the chances of success in the Empire state are good— They say that Van never yet carried that state when he ran on his own strength, & the Clinton party are now opposed to him—

Let me hear from you often

Yours Respectfully

HON N NOBLE J. EWING

[1] ALS. ISL: Indiana Division, Noble Papers.

[2] John Law, an attorney, may have been in Washington on legal business. One of his clients was Francis Vigo, for whom he was trying to obtain remuneration for services rendered George Rogers Clark in the Revolutionary War.

Howard Stansbury to Noble[1]

WASHINGTON March 5, 1835 [1836]

YOUR EXCELLENCY I received a few days since yours of the 16th, enclosing a letter for Col. Abert.[2] For the kind expressions it contained of confidence & approval I feel sincerely grateful.

I regret extremely being obliged to trouble your Excellency upon the subject of my accounts for Expenditures made for the State of Indiana during the last season, but the unexpected refusal to allow some of the items contained in them impose upon me the necessity of stating to your Excellency more fully than perhaps I have here to fore done, the grounds upon which those charges were made, with the hope that the statement will fully satisfy you of their propriety.

Application was made by an Agent of the State of Indiana to the War Department of the General Gov't to detail an officer to superintend an extensive series of surveys for works of Internal Improvement within that State, the expenses of which were to be borne by her. The request was granted, & I was ordered upon the duty. I was requested & authorized by the Agent of the State, to purchase the necessary instruments, form the requisite number of parties, & to make all the arrangements which might in my opinion be necessary to complete the whole of the examinations by a certain period & in consideration of the arduous & responsible nature of my duties it was agreed that I was to be allowed a certain compensation, by the State, which compensation was to be *in addition* to my pay from the Govt. as an Engineer merely. By reference to my orders from the Topog'l Bureau, as well as to those given me by your Excellency, it will be seen that it was made my duty to take charge of all funds employed in making the surveys, & I was expressly held responsible for them by your Excellency. Now this did not necessarily belong to my duties as an Engineer, & the U. S. has always paid for it as a separate & distinct duty, as I demonstrated to your Excellency

[1] LS. ISL: Indiana Division, Noble Papers.

[2] Noble's letter of February 16 has not been found. His reply to Stansbury, dated May 15, is printed below.

by exhibiting to you some accounts Current between the Gov't & myself.

I will not believe that the *additional* compensation agreed to be given was a mere substitute for the regular allowance I have always received from the Government for the performance of similar service, & that the State, after applying for my services, would put me on worse ground, than I would have been, had I been rendering service directly to the United States. This was not the light in which the agreement was viewed at the time, either by the Agent of the State or myself.

If it be said that it ought to have been mentioned in the agreement, your Excellency will remember, that the reason given by me to you for its now insertion was, that I took the thing so much for granted that I said nothing about it. The agent C. B. Smith Esqr. stated to me in Indianapolis that if it had been mentioned he would have agreed to it, but that, at the time he did not think anything about it.

Neither can the allowance of this item, in my opinion be with propriety pleaded as a precedent by the officers of the state making disbursement; as the circumstances in their case would be so entirely different that no parallel could be drawn between them. They undertook the service with the express knowledge on their part, that no such allowance would be made, & they cannot plead a peculiar case, in which where not only, no such understanding existed, but entirely the reverse.

I am inclined to the opinion that the decision of the committee must have been made under a misapprehension of the case, as I was informed by Mr. Brown the chairman that all my accounts had been passed, & upon my stating this case to him he was surprized & expressed it as his opinion that it must have been done through mistake, that no doubt would be rectified.

Your Excellency is aware that I was robbed of a portion of the funds of the State, at Indianapolis. Of this I took no notice in my accounts, considering that I undertook the risk for a fair equivalent. I therefore replaced the amount lost from my own private funds. I ask would it be just to deny the payment of this

equivalent now, after the service has been performed, & I have suffered loss in its performance.

As to the account for medical services, I am still surprised that the committee could for one moment suppose that I should refund the amount, which was paid for services which I knew were performed, & which I was as much bound to pay, as I should have been had the services been those of an axeman chainman, or of any other nature. By virtue of my authority from the Agent of the State, I made a written agreement with the gentlemen of my party, that they should receive the same compensation as was paid for similar service by the U. States.

It is an invariable rule in our service that where an officer or man gets sick on duty, or in consequence of exposure in the performance of his duties, to pay for his medical attendance. Attached to each of the accounts is the certificate of the attending physician that the diseases for which he prescribed were in his opinion so contracted; this is what is required by the Gen'l Gov't & I conformed myself to their rules. The gentlemen therefore had a right to demand of me a compliance with my agreement which was made in accordance with my written authority from the Agent of the State, & I deny the power of the committee to disallow it.

In the accounts handed me by Mr. Coyle, I perceive that my account for compensation from the state is terminated on the 21st of December. Now my duties & my responsibilities did not terminate at that time, as is evident from the deposite of moneys to my credit, & payments made by me as Agent of the State for that purpose. It is true that for a portion of the time I acted by my Agent; but that I conceive was a matter of no concernment to the state. I superintended the execution of the work until the most arduous & responsible part of it had been completed, & as long as I thought my personal attendance was necessary, but I expressly stated to your Excellency when with your Excellencys consent, I left Indianapolis, that I held myself responsible for the work & the proper expenditure of the funds necessary to carry it on, & I understood myself to be so held by your Excellency. I

therefore consider myself fully entitled to a continuance of my compensation until the termination of the duties of the party.

I have written to the Cashier of the Bank for a statement of my account from the commencement as I believe there is some error, but where it is I cannot find out. When I receive it I will comply with Your Excellencys request.

Will Your Excellency be so good as to give me a statement of Mr. McCarty's account against you for me, since the first of October, as the last account current does not agree with my books. Perhaps the error maybe on my part.

I beg leave to assure your Excellency, that it is with extreme reluctance I feel constrained to trouble you with this matter, but I trust to the known liberality of your character, in thus plainly but respectfully stating what I believe to be my right.

Mrs. S. begs to be remembered to your family. She has a fine boy & is doing quite well.

I have the honour to be Your Excellency's obt servt

HOWARD STANSBURY U. S. Civ. Eng.

HIS EXCELLENCY NOAH NOBLE Governor of the State of Indiana, Indianapolis

Noble: Circular Regarding Construction of Washington Monument[1]

EXECUTIVE DEPARTMENT

INDIANAPOLIS, March 7, 1836

TO THE PEOPLE OF INDIANA.

An association of patriotic individuals, under the name of the "Washington National Monument Society," composed of the President of the United States, Heads of Departments, the Governors and members of Congress of each state, and others, have determined to erect, at the Seat of Government of the Union, a monument in memory of the name and virtues of your beloved Washington. This noble undertaking, so worthy of the nation, is to be accomplished by public contributions, but that all may

[1] Indianapolis *Indiana Journal,* March 12, 1836. The circular appeared in newspapers throughout the state.

share in its honors no individual is allowed to give more than One Dollar for himself and one for each member of his family. Individuals who subscribe will become members of the Society, and the name of each will be recorded in the clerk's office of the proper county, will be published at the City, and when finished will be registered in the Monument for the inspection of coming generations. The contemplated object could be easily effected by large donations from wealthy persons, from corporate towns, cities, and such sums as would no doubt be granted by state Legislatures, but then it would not be so directly the free gift and work of the people and of the nation, and for that reason large sums are not receivable.

CHARLES J. HAND has been regularly appointed Collector for this state, and will, by deputy or in person, call on the people of each county as early as possible. In the meantime it is desired that the clerks, sheriffs, judges, military officers, and justices of the peace will propose meetings in each county at the April elections, and other public days, and that the sums received with the names of individuals be handed to and registered by the clerks of the circuit courts.

It is a part of the design to build the Monument of the best specimens of marble or granite to be found in each state, for which purpose a few blocks of from one to two tons weight will be needed from this state; therefore, any communication giving information of suitable materials will be gladly received by the undersigned.

INDIANIANS! For the name of Washington we acknowledge our veneration. In his fame and character, imperishable of themselves, we all claim a property, nationally and individually—one that no *American* would part with—and now that our fellow-citizens of other states are sending in their mites, it is believed we have too much state pride to be lacking in evidence of our public spirit, patriotism, and gratitude for the Father of his Country.[2]

N. NOBLE

[2] The Washington National Monument Society was organized in 1833. Agents were appointed in 1835-36 to collect funds from indi-

James Galletly to Noble[1]

To His Excellency Governor Noble

Sir This will be handed you by Isaac Westfall A Citizen of Spencer, Under the following circumstances The sheriff of this county departed this life on the 27th Inst[2] During the Circuit Court at Spencer last term the sheriff stated that he would resign and offer for the state Legislature The above named Westfall was then strongly solicited to be an applicant for sheriff by the citizens Also the Circuit Judge The fact is that a more suitable citizen could not be plased in the office Mr Westfall is a tavern-keeper in this place A citizen of correct, indus[t]rious, sober & moral habits. We rely with the fullest and the strongest confidence that you will support him. Your sincere frend

April 29th 1836 Jas. Galletly

Noble to Howard Stansbury[1]

Indianapolis 15th May 1836

[Gen.]l Howard Stansbury,

About the middle of the month [of] March I recd under Genl. Tipton's frank, the communica[tion] addressed me of the 5th that month, since which [several?] causes have contributed to

viduals. The $1.00 limitation was removed in 1845 and beginning in 1855 contributions were accepted from organizations, state legislatures, and from Congress. The initial contribution of Indiana's citizens, as reported in 1838, was $340.00. By 1847 the total collections and interest thereon had reached $87,000, a sum deemed sufficient to begin construction. The monument was designed by Robert Mills. The cornerstone was laid in 1848 but construction was not completed until thirty-five years later. Frederick L. Harvey, *History of the Washington National Monument and Washington National Monument Society* (Washington, D. C., 1903).

[1] ALS. ISL: Archives Division, Governors' Correspondence.

[2] Robert M. Wooden had been elected sheriff of Owen County, in August 1835. Westfall was appointed in his place on April 30, 1836. *Executive Proceedings, 1816-1836,* p. 549. There are several other petitions in the file recommending the appointment of Westfall.

[1] ADft. ISL: Indiana Division, Noble Papers.

prevent an early reply.[2] Arguments you have advanced in favour of what [you?] seem to think are your "rights" have received my attention without materially changing my first view of the balance [of] money in your hands, and having detected, as I think, [en]ough of error to satisfy you that your ground is not [ten]able I will briefly point it out.

[In] the first place, I will remark, that an application [was] made by an agent of the state, to the Secy of [War], for such aid as could be given in the preliminary [sur]veys of our several proposed lines of public works. In answer the Secretary assured us that assistance would be given. You were detailed for that service, but before you [wou]ld agree to come you exacted (whether known to the [Secy] of war I know not) over and above the salary allowed [you] by the U. States, An additional compensation of two [doll]ars and fifty cents per day, and that being set out in a written agreement was all you required. I[t is] true, however, as you say, that in making out your or[der] Col. Abert seems to say that you should disburse the necessary funds and I will confess my surprise when I saw the controul which he seemed to assume o[ver] a matter belonging alone to the Governor of a S[tate] but not looking for an after clap I readily con[sented] to the plan. You must remember, nevertheless, that [the] plan was your own not Mr. Smith's nor Col Aberts, [and] your orders were prepared by yourself and in your own hand writing and as you sought the "respons[ibility]" of which you speak to accomplish your ulterior [motive] you have no right now to insist that the state is [liable?] to a charge of more than $400. which she nor her agent never agreed to pay. It is a charge unauthorized by the contract, a dangerous precedent and one with which the practice of the officers of the General Government, in allowing it, has nothing to [do].

In the next place you say the money of which you were robbed was a portion of the funds of the st[ate] that you replaced it out of your own funds, that you now claim a credit for that sum. With this part of your letter I find much cause for surprise and

[2] See above.

c[oncern] because you told me and others that the money lost was in gold principally, if not entirely. [MS torn] it was your wife's money that you brought to [MS torn] &c. &c. For this reason you will not be allowed credit for this loss.

As to Mr. Brown I will only say that, all he has [told] you about the "passing" of your accts. is a story [of] his own making. He never saw them and did not [belong] to the committee. Mr. Bennett was the [ch]airman and addressed me a note saying the [committee] unanimously rejected the charges.

[As] to the little items for medical services, it is not [intend]ed nor required that you should return them if they are in the hands of those for whose benefit they were paid.

Your recollections of the circumstances and conditions upon which you left the service the state are also erroneous. When you first talked of going [MS torn] you spoke of Maj Watts ability to superintend the [Works] afterwards you named Mr Coyle and said he [had] made up the accounts &c But in a still later [con]versation you spoke of his age and the dissatisfaction [it] would give, but again spoke of his making up [MS torn] accounts. The whole conversation impressed [me] with the belief that you left no agent or representative. If you did leave an agent as you [said] who was he? What direction did he give or assume [over] the work? If you will find any one of the gentlemen employed who will say he superinten[ded] the work under your authority I will readily all[ow] your per diem compensation from the 22d Dec, but will otherwise deem it a duty to reject a claim for construction or supposed service whilst you [were] enjoying your family and friends in the City [of] Washington.

Mr Coyle accounted for that part [MS torn] last deposit which you left in his hands [MS torn]. with the work I continued his wages until [MS illeg.] up the accounts and he will tell you that it [is a] question with us whether they should be made u[nder] my name or otherwise, and for my convenience because your check was outstanding, we concluded to continue them in your name. The funds were not as you supposed, placed to your credit in Ba[nk], An arrangement was made [MS illeg.]

for the [MS torn] of your checks and moneys needed are stated, in account we made out, as deposited in Bank. The items disallowed in the Quarterly a/c of 30 [MS torn] for medical services and commission, amount to m[ore] than the balance against you. Those items are [the] cause of that balance and you do not pretend [to] have refunded them. I cannot therefore [MS illeg.] necessity of your having McCarty's account or

Stephen C. Stevens, *et al.*, to Charles Dewey[1]

INDIANAPOLIS 30 May 1836

DEAR SIR Permit us to say to you, that it is our unanimous desire, and we think that we can safely add, that it will meet the approbation of the bar throughout the state, that you should forthwith, accept the seat on our Supreme Bench that has been tendered to you.

This expression of our desire, would be and is, a sufficient expression of our approbation of you both as a man & a Jurist, but on this occasion we will take the liberty of further adding, that our confidence in you is of a character more than ordinary.

Most respectfully

S. C. STEVENS[2]

T. A. HOWARD
SAML C SAMPLE
J. RYMAN [?]
ANDREW INGRAM
WM J BROWN
HORACE BASSETT
GEO. HOLLAND
E. M. HUNTINGTON
H CHASE
WM. SHEETS
DAVID WALLACE
J. MORRISON
DANL. KELSO
R. A. LOCKWOOD
ALBT. S. WHITE

1 ALS. ISL: Archives Division, Secretary of State file.

2 Stevens resigned as judge of the Supreme Court on February 15, 1836, and Noble offered the interim appointment to Dewey. He accepted and his appointment was later confirmed by the Senate. See below, 525-26n. Because of the low salary paid the judges ($750 per year), the Governor apparently had some difficulty in filling the position. The Connersville *Watchman,* April 16, 1836, commented that it had been offered

[Addressed:] Charles Dewey Esq. Present

[Endorsed:] Chas Dewey is appd Sup Judge in place Stevens resigned 30 May 1836 N NOBLE

Noble: Proceedings of Railroad Meeting to Appoint Delegates to Knoxville Convention[1]

[June 11, 1836]

At a meeting convened in Indianapolis, June 11th, 1836, to take measures to have the State of Indiana suitably represented, at the contemplated Rail Road Convention, to be held at Knoxville, in Tennessee on the 4th of July *proximo, Governor Noble* was called to the chair, and *M. M. Henkle* appointed Secretary.

The object of the meeting was stated by the chairman, when on motion of *M. M. Henkle* it was

Resolved, That appreciating the great value of the contemplated Rail Road connection between the South Atlantic States, and the West, and regarding Indiana as deeply interested in that magnificent project of improvement, inasmuch, as to be perfect it must reach the northern lakes through this state, this meeting deem it important that this State be represented at the proposed Rail Road Convention to be held in Knoxville, Tenn. on the fourth of July next, and that immediate measures be taken to secure such representation.

On motion of *A. W. Morris,* Esq.,

The following gentlemen were appointed Delegates agreeably to the provisions of the foregoing resolution: Hon. W. W. Wick of Marion county, James Rariden, esq. of Wayne, Col. T. J. Evans of Fountain, R. W. Thompson, Esq. of Lawrence, Geo. H. Dunn, Esq. of Dearborn, H. P. Thornton, Esq. of Floyd, Wm. G. Armstrong, Esq. of Clark, Maj. A. C. Griffith of Jackson, J. G. Marshall, Esq. of Jefferson, and Hon. Lieut. [Gov.] David Wallace.[2]

to Miles C. Eggleston but he had refused, and it was understood it had been tendered to and refused by several other gentlemen in the state.

[1] Indianapolis *Indiana Journal,* June 13, 1836.

[2] Some 380 delegates from six southern states and the three northern

Resolved, That the proceedings of this meeting be signed by the Chairman and Secretary, and published in the papers of this town, and that the Secretary be directed to notify the gentlemen named in the preceding resolution of their appointment.

N. Noble, Ch'n.

M. M. Henkle, Sec'ry.

Enoch D. John to Noble[1]

Lawrenceburgh 13th July 1836

Dr Sir, About the 15th or 16th last month I sent you by Harvey Bates $7000 in Miami Exporting Co paper with a request to have it thrown into circulation west & north & this amt deposited in your branch say by the 15th to 20th of this month—to the credit of this branch—you have not yet acknowledged the receipt of the package. Let me know what is done—[2]

I have matured the rail road stock speculations & have resolved to have no part in it unless a change takes place in its prospects[3] I am sattisfied it is not the object of Buell & the Touseys to make the road unless they can make others do it & they have all the speculation They are straining every nerve to procure land (on borrowed capital too principally) to mortgage to the state for her bonds to amt. of $100,000, the proceeds of which bonds when cashed will be needed to pay the debts incurred for the funds vested in lands, leaving nothing for the road. cant there be some plan devised to require a faithfull application of the proceeds of

states of Indiana, Illinois, and Ohio met in the interest of the projected railroad from Charleston, South Carolina, to Cincinnati. See above, 406-7n, for an earlier mention of the road.

[1] ALS. ISL: Indiana Division, Noble Papers.

[2] John was cashier of the Lawrenceburg branch of the State Bank. On August 18, 1836, he wrote to B. F. Morris, cashier of the Indianapolis branch, that instead of depositing the $7,000, Noble had sent him a check for $4,700 and $2,300 in cash. He enclosed the check in the letter and wrote that he was depositing the money to the credit of the Indianapolis branch. State Bank Papers, Archives Division.

[3] The reference is to the Lawrenceburgh and Indianapolis Railroad. See above, 405-6n.

the state bonds to the making of the road. Say have a condition in the Mortgages that if the money is not applyed to the road in some reasonable time the mortgages may be foreclosed. If there is not something done the Rail Road is defeated & George H Dunn[4] ruined politically, which last result is the main one Buell has in his eye. He cares not how odious the Rail Road Company becomes in the estimation of the public if he can defeat Dunn & get into his hands the state bonds to the amt. of a few hundred thousand dollars—would the auditor be warranted in withholding the state bonds until the seting of the next legislature & refer the matter to them on the ground of the universal belief that the object is not to make the road but to speculate on the funds procured on the credit of the state

My wish is to have the Road made if that can be done & have no objections for all concerned to be benefited & with this two fold object in view should be willing to be concerned myself.

reflect on this matter— I write confidentially & shall so treat any thing you may say on the subject— Yours on the subject of the land I have recd. Yours truly

E D John

[Addressed:] Noah Noble Indianapolis Indiana

Noble: Appointment of Marshals to Collect Votes[1]

[July 28, 1836]

The following persons are appd. marshals to collect the votes for Prest and Vice Prest. of the U. S. *viz.*

1st District	Wm Puett	Parke County
2d "	Robt. Strain	Washington
3d "	A Sebastian	Vevay

[4] Dunn was president of the railroad. See his letters to Noble dated November 12 and 23, 1837, below.

[1] ADS. ISL: Archives Division, Secretary of State file. The election returns from Indiana for President and Vice-President showed a total of 41,281 for William Henry Harrison and Francis Granger, and 32,476 for Martin Van Buren and Richard M. Johnson. Stanwood, *A History of the Presidency,* 185.

4th	"	Geo W White[2]	Posey
5th	"	Thos Bell	Madison
6th	"	William Watt	Union
7th	"	John Wykoff	Daviess
8th	"	W. N. Hood[3]	Miami

N. Noble 28 July

[Endorsed:] Return Marshalls Issd 28th July 1836

George Bomford to Noble[1]

Ordnance Office, Washington Augt. 29th 1836

Sir With a view of enabling this Department to anticipate the demands which may be made on it, for arms and accouterments due up to the 31st December 1836, under the law of Congress approved April 23d 1808, you are requested to inform this Office with as little delay as practicable, what particular kind of arms and accouterments or field artillery, will probably be required, in order that proper measures may be taken for the procurement of the same.

On the other side is a statement showing how the account of your State stands with reference to arms received from the U. S. States, under above mentioned act.

The number of muskets due under the apportionment of 1836, cannot now be exactly stated; the Official returns of the strength of the Militia of the States of any one year, not being received in this Office, until the months of May or June of the succeeding year. It is presumed however, that the quota of arms due your

[2] White wrote to the Secretary of State on October 25 that the clerk in his store had unexpectedly departed which would make it difficult for him to make the trip to Indianapolis. He asked that another appointment be made if possible. The endorsement on the letter shows that it was received and answered on October 31. Since no one was appointed in his place, White was apparently persuaded to perform the required duty. *Executive Proceedings, 1816-1836,* p. 283; Secretary of State file, Archives Division.

[3] Hood declined to serve and William M. Reyburn was appointed in his place on August 17. *Executive Proceedings, 1816-1836,* p. 283.

[1] LS. ISL: Indiana Division, Noble Papers.

State for the present year, will not materially vary from that of former years.

I have the honor to be Sir Your obdt Servt

GEO. BOMFORD Col of Ordnance

HIS EXCELLENCY NOAH NOBLE Govr of the State of Indiana Indianapolis

Due the State of Indiana up to the 31 Decr 1834, as per letter to Gov. Noble of May 11, 1835. Muskets			1142	4/13
Less, forward to Qr. Master General in Augt. 1835. 200 muskets & accouterments equal in value to muskets.....	247	3/13		
Value of arms, issued, as pr letter to Gov. Noble of 3 Decr. 1835.....	894	12/13	1142	2/13
Balance due the State up to 31 Decr 1834				2/13
Quota of arms due the State up to 31 Decr 1835			609	
due up to 31 Decr 1835 Muskets			609	2/13
Deduct				
Issued to Capt. Gordon in April last, 120 pistols, 60 sabers and accouterments, equal in value to			119	
Balance due up to Decr. 31, 1835 muskets			490	2/13

Internal Improvement Celebration at Brookville[1]

[September 13, 1836]

Lieut. Gov. Wallace delivered an able and eloquent address on the occasion. At the conclusion of the address, Gov. Noble, Ex.-Gov. Ray, Dr. Drake of Cincinnati, and George H. Dunn, Esq., of Lawrenceburgh, having previously been selected for that purpose, proceeded amid the deafening shouts of the multitude to "break ground" on the White Water Canal. The number in attendance was supposed to amount to 4,000.

[1] Indianapolis *Indiana Journal,* September 24, 1836.

[At the dinner following the ground-breaking ceremony, toasts were offered. Following the toast to Governor Noble, he spoke for 25 or 30 minutes with force and clearness, upon the subject of Internal Improvements.]

Enoch D. John to Noble[1]

LAWRENCEBURGH 19th Sept. 1836

DEAR SIR, Mr. Guard visits Indianapolis to procure the state bonds for the Rail Road Compy. My mortgage will be presented with others to Palmer but will not be accepted by him until the titles are all perfected & he is sattisfied your valuation is correct I shall therefore rely on you to carry out my wishes— I wish you if possible to induce Palmer to receive the mortgage as filled up that is the Saunders tract at $10,000 & the section of land on the Crawforesville rout at $2.50 per acre if the property mortgaged is [MS illeg.] I shall be compelled to mortgage more property or I shall not have funds enough to pay the Miami Bank & the liens that are on the Saunders tract— I have written to Mr Palmer that you will sattisfy him both as to the title & valuation — It is usual to have endorsed on the mortgages the affidavit of the mortgager or some one for him that the title is in him & free from incumbrances— You will please attend to that matter for me.

Obtain from Drake a statement of the land & the precise tracts & when they lay before you [do not] let him know you have parted [?] with your interest.[2] If he knew I alone was conserned he might shuffle some bad selections upon me—

[1] ALS. ISL: Indiana Division, Noble Papers.

[2] On September 16, 1836, Noble deeded to Enoch John for a consideration of $5,800 the following tracts of lands: 553 acres in sections 27 and 34, township 15 north, range 3 east (Marion Co.); 640 acres in sections 13 and 14, township 16 north, range 1 east (Hendricks County). Noble had purchased the Marion County land from William Sanders (or Saunders); that in Hendricks County had been purchased at the Crawfordsville Land Office. Deeds in Vallette Miller Papers, Indiana State Library.

Send in by Guard the Deed for the Jones Farm & state the condition of the mortgage that is upon it & whether Interest is to be paid upon it & when & how

Will you have the goodness to have the Jones Farm Valued that I may mortgage it also if I think proper & at the same time have the Casell 80 acres Valued & send me a statement of the two Valuations which will enable me to deside what I ought to pay Casell should I conclude to buy—

Yours truly E. D. John

N Noble Esqr.

P S Please pay Mr. Palmer his charges for getting all my title papers mortgages recorded & I will account to you for it

George W. Featherstonhaugh to Noble[1]

Topographical Bureau Washington Octr. 17th 1836

Sir, Your letter of the 29th of Septr. has only just reached me, and I embrace the earliest moment of answering it.

Your first question is as to the length of time "a proper examination" of the three States in question, would require.

Since the other questions are so much influenced by the construction which may be given to this, the remark may be made here, that a geological survey of a state may be made in a superficial way and yet be useful. There are many persons with a good deal of theoretical information on this subject, competent to examine the surface of a country, and report some valuable results. An active individual charged with a duty of this kind, visits a great many localities known only in their vicinity, and collects much useful information that might otherwise lie dormant for a long period, which added to his own observations could not fail to produce results highly beneficial to the public. Such a survey could be made, comparatively at a small expense. The State of Indiana I should suppose might be thus examined in three years.

[1] LS. ISL: Indiana Division, Noble Papers. See above, 409-10n.

My own idea of "a proper examination," would comprehend a more enlarged operation to be governed by scientific principles, with a view to insure accuracy, and the utmost extension of information. The geological structure of Indiana, Ohio, and Kentucky is not as complicated as that of the States lying East of the Alleghany mountain. Those three states all lie in the area of the great bituminous Coal fields of the western country, and Coal, Iron ores, Salt, Sulphuret of lead, and Gypsum, are the deposits which theoretically belong to the geological formations which fill the area of those states, and which practically are found there. But the continuity of the deposits, which a superficial observer is incompetent to pronounce upon, and which is of the deepest importance to those states, is a matter that no one can reason upon who does not unite to his theoretical information, a great deal of practical experience, and I add experience acquired in this country. For instance, the direction and continuity of a line or lines which govern the geological positions of the Salt works of the Western Country. The determination of this problem is of great consequence to its resources, and can never hope to be effected by persons who have not been trained to inquiries of this kind. The same observations may be applied to the other deposits more or less.

Considering therefore the great importance of the results, it appears to me that the most effectual mode should be adopted, as the only one that will lead to substantial benefits.

To accomplish this, I should advise the appointment of one principal Geologist, and give him the authority to select three Assistants. If you select a man of established reputation, you may safely confide to him the execution of the work, and the selection of his Assistants. You will have a better guarantee in the necessity such a person is constantly under of doing his duty efficiently, than you can obtain from any other quarter. Such a person with the whole subject before him, would distribute the work judiciously to his Assistants, and keep a vigilant personal supervision of their labours.

If three distinct individuals were appointed, one for each State, and independent of each other, unless they were all men of the

highest degree of talent and information, it is probable they would differ in their views, and general results would be vainly aimed at, without a sound generalization.

The few individuals who have paid attention to Geology in the United States, as far as I am acquainted with them, are at present in the service of other States. I know only of one gentleman who is well acquainted with the geology of the United States, and who could probably be obtained for so important a charge. He is every way competent to the task, and his results would have the confidence of all scientific men. He is at present in Europe, but if you were to authorize me to correspond with him, merely to ascertain whether he would accept of the appointment, if it were offered to him in the spring, I would immediately write to him.

I think his compensation should be three thousand dollars a year and all his expenses; his Assistants might probably be obtained for much less.

It is difficult to say what the total expense of such a survey might be. Reports made every year to the Legislatures of those states would shew what the annual appropriations ought to be, but the total expense at the end of the undertaking would be found quite trifling compared with the magnitude of the benefits that would immediately be derived from it. The State of New York appropriated I believe, twenty five thousand dollars at the last session of its Legislature. The plan under which the survey of that state is to be effected seemed to me singularly defective, there being no one mind of great experience to give direction and harmony to the labours of the whole.

It will give me great pleasure at all times to obey your commands, having the honor to remain, With very great respect Sir your most obt servt.

G. W. Featherstonhaugh
U. S. Geologist

His Excellency the Governor of Indiana

William Henry Harrison to Noble[1]

CINCINNATI [December 3, 1836]

DEAR GOVERNOR The Electors of your State will find perhaps some difficulty in fixing upon a candidate for the Vice Presidency. It is a matter of no great moment whether it is [John]Tyler or [Francis]Granger. The former would perhaps stand the best chance to be elected by the Senate if he should get there. But I believe that is at present out of the question. If they should vote for Granger *perhaps* your Senators might think themselves bound to Vote for him.[2]

We have lost the Election for President from the want of confidence on the part of our friends. The Arch Duke Charles might have won the battle of Wagram but he could not believe that he could beat Napoleon. Hence his efforts were directed to prevent an entire defeat rather than secure a Victory. Thus our friends had the Victory in their power but believing that the influence of Genl. Jackson & the application of the spoils could not be resisted they would not make the effort. This remark however does not apply to either of the North Western States. They fought the battle nobly. And I am more gratified at having received the Votes of Ohio Indiana & Kentucky than I should have been to have succeeded without their support. It is truly astonishing that I should have received so large a vote in Indiana

[1] *Indiana Magazine of History,* 22 (1926):205-6. The original letter has not been found.

[2] By the electoral college vote, Martin Van Buren was elected President, but no person had a majority of votes for Vice-President. Richard M. Johnson received 147 votes, Francis Granger 77, John Tyler 47, and William Smith of Alabama 23. Since Johnson and Granger received the highest number of votes, the Senate had to choose one or the other for Vice-President. Johnson was chosen on the first ballot, receiving 33 votes to Granger's 16. The two Indiana senators, Tipton and Hendricks, voted for Johnson even though the electoral vote of the state had been cast for William Henry Harrison and Francis Granger. Stanwood, *History of the Presidency,* 187, 188; *Congressional Debates,* 24 Congress, 2 session, pt. 1:738-39. A joint resolution was introduced in the General Assembly to instruct the Indiana senators to vote for Johnson; after an animated debate it was tabled. Connersville *Watchman,* December 31, 1836, January 7, 1837.

when six of the Representatives & both Senators exerted themselves so much against me. I could not have believed this possible of Hendricks. The other man I have for some time believed to be altogether unsound in principle. H[endricks] has often said that there was no man in the Union who could contend with me in Indiana. Surely after his desertion of me my friends will not support him. I have received a letter from John Sargent of Philad'a He says that my friends are so well satisfied with my strength that they are determined to continue me as the rallying point for an other contest. I am determined to remain perfectly quiesscent & let them pursue their own Course.

I have received with great surprise information that our friend Sheets was likely to loose his office.[3] I trust however that it is not so. I shall write to day to Dr. [Hiram] Decker & tell him to speak to Myers[4] who altho a rough fellow has much generosity & as he served with [Thomas] Randolph in the battle of Tippecanoe he I think will not oppose his only Representative in this country Apropos of Tippecanoe, I have received a letter from a Mr. Dan Mace of Williamsport in your State telling me that he wished to introduce a resolution into the Legislature to have portraits procured of [Jacob] Warwick & [Spier] Spencer for the Hall of the Representatives & he asks some information of me in relation to them. As there are no likenesses of these men to be procured & as it would be considered partial to select them from others I recommended to him if he made any motion of the kind to substitute a picture of the battle instead of Portraits of Individuals which would excite no interest unless they were known to be likenesses. I desired him to consider this recommendation Confidential. I hope you will have no hesitation in recommending to your Legislature to appropriate every Dollar of the Surplus revenue which has been assigned to you. The villanous suggestions of the Globe to the contrary notwith-

[3] William Sheets was defeated for re-election as secretary of state by William J. Brown. *House Journal,* 1836-37, p. 41. Brown had been prosecuting attorney for the Sixth Circuit. *Executive Proceedings, 1816-1836,* pp. 306, 308, 310, 312.

[4] John Myers, representative from Knox County.

standing. Rest assured that it will never be reclaimed by the U. S. under any circumstances. If money should be wanted it would be preferred to get it either by indirect taxation (customs) or by borrowing rather than call on the States who have no other means of repaying what they have received but by direct taxation or by borrowing it. The former mode would be burdensome upon Agriculture, the latter extremely unequal as one State would get money upon infinitely better terms than an other. Use the money & I will answer that it is never reclaimed.

It is not considered proper in person[s] situated as I am to address letters of thanks to the people of the States who were their supporters and if it is done in one case it must be done in a[ll]. I wish you to say to the members of the Legislature & others th[at I am] proud of the Support of Indiana & that my gratitude [will be] eternal.[5]

If Dr. Decker should by any means be [prevented] from attending the meeting of the Electors I will thank you to ask Mr. Sheets to take my letter out of the Post Office & direct it to him at Vincennes. My best regards to your family I am truly yours

W. H. Harrison

P. S. In relation to H—s.[6] Your brother James said that he did not know that there was a man in the world that had any influence with him but myself. Sargent writes, that I out ran the Whig ticket in Pa & I see that the Same thing has taken place in Delaware & elsewhere

To his Excellency Govr. Noble

[Postmarked:] Dec. 3 1836

[5] According to a poll taken of the members of the General Assembly, 84 stated a preference for Harrison, while 62 were for Van Buren. Connersville *Watchman*, September 3, 1836.

[6] Probably William Hendricks.

Noble: Message to the General Assembly[1]

[December 5, 1836]

GENTLEMEN OF THE SENATE, AND OF THE HOUSE OF REPRESENTATIVES:

The duties imposed by our respective situations have summoned us to the capitol, at the time appointed by law, for the transaction of business connected with the public interests; and we have reason to rejoice that with the close of the seasons and of the year, our state and our citizens are left in the enjoyment of all the blessings attendant upon a free government, and an industrious prudent people. Labor and its products have been liberally rewarded; the soil has yielded its fruits in profusion; enterprise of every description has been fully compensated; the additions to our population have been unequalled; capital has been flowing in from every quarter; and whilst in the midst of an abundant prosperity, a degree of health hitherto unknown has pervaded the state. For all these our grateful acknowledgements are due to a munificent and *Divine Hand*.

The law changing the mode of obtaining supplies for the Treasury postponed the time for making a report of the assessments to the Auditor to the month of December, which precludes the Governor and Executive Officers from making you acquainted with its effects upon the revenue, or of presenting you with a prospective view of the state of the Treasury. It is supposed, however, that there will be a small increase of the nett proceeds compared with last year, and that the Treasury will be prepared to meet the ordinary demands upon it the ensuing year. The balance on hand at the date of the last report of the Treasurer, and the receipts from all sources the present year amount to $123,-404 59. The payments made for the same time, including about $5,000 on account of the State House, under the act of last session, amount to $132,364 14, which leaves a balance of $8,-959 55, beyond the available means of the Treasury. Two years ago the Treasurer was authorized by law, to make a small loan

[1] *House Journal*, 1836-37, pp. 15-29. The message is dated December 5, but was delivered December 6.

to meet the remaining liabilities of the state for building and furnishing the State House. The claims intended to be provided for by the loan, were subsequently paid by the application of other funds in the hands of the Treasurer without resorting to the loan, and it is to this cause, in part, that may be ascribed the deficit exhibited in the report he will soon make.[2]

Immediately following your adjournment of the last session, the 7th of the ensuing month, March, was designated as the day for the first meeting of the State Board of Internal Improvement; at which time, its members convened, complied with all the requisites and formalities of the law in its organization, and entered upon the discharge of its numerous and responsible duties. Fully sensible of the magnitude of the interests committed to its charge, and of the responsibility incurred by so large an expenditure on objects of deep interest to the state, the Board, after a free interchange of views and mature deliberation, decided upon its plans, and determined upon the measures to be pursued for their execution.[3] Having assigned to each member the direction and superintendence of a portion of the work, the next duty to be performed preparatory to an enlarged sphere of active service was that of procuring the requisite number of Engineers. Before the whole force required could be organized it was found necessary to send to the eastern States; for which purpose the Chief Engineer on Canals, Mr. Williams, & Gen. Clendenin of the Board, visited several of the States, but returned without engaging an Engineer-in-chief for our roads and railways, and without the desired number for the subordinate stations. This failure produced some delay in sending the necessary force to the field, which imposed an additional amount of labor upon the Engineer-in-chief and upon several of the commissioners: but by perseverance on their part nearly all the work was accomplished in conformity with the directions of the Board. A brief outline of the result of their labors I will now endeavor to lay before you.

[2] The Treasurer's report is printed below, 495-500.

[3] Proceedings of this first meeting were printed in the Indianapolis *Indiana Journal,* March 19, 1836.

The operations on the Wabash and Erie Canal have been steadily and energetically progressing. The navigation of the middle division from Fort Wayne to Huntington has been uninterrupted, and the severe tests to which it has been subjected by the frequent freshets of the summer and autumn, give satisfactory evidence of the skill and faithfulness of the officers and contractors entrusted with the work. Of the line between Huntington and Lafontain's creek, sixteen miles have been filled with water and made ready for navigation, and the remaining twenty miles are completed with the exception of a portion of the locks, which have been delayed by an unlooked for difficulty in procuring stone of an approved quality. From Lafontain's creek to Georgetown reasonable progress has been made and several sections are completed and received. Contracts have been recently extended from Georgetown to Lafayette embracing a distance of forty miles, and it is supposed in two years from this time the whole route from the east line of the state to the latter point may be ready for navigation, if the progress of Ohio in the construction of her part of the work should be such as to meet our just and reasonable expectations, of which we have no ground to entertain a doubt. Mr. Williams, our Chief Engineer, has been directed by the Board of Internal Improvement, to confer with the proper authorities of Ohio and adjust any matters necessary on the final location of the line at the crossing point between Ohio and Indiana, and when he shall have accomplished the object, and when the progress on the part of Ohio shall warrant it, that part of the work from Fort Wayne to the Ohio line will be placed under contract as contemplated by law.

About thirty miles of the White Water Canal extending from Lawrenceburg through the fertile valley of White Water to Brookville were placed under contract on the 13th September last at safe prices, and many of the contractors have already commenced operations. From the large amount of surplus produce exported from that densely populated district, the investment there will yield something for the Treasury so soon as the navigation is open.

The joint resolution of Ohio granting to this state the privilege to construct that part of the line passing through her territory, required of us such a location as would afford facilities for extending a branch to the city of Cincinnati. This requirement has been regarded in the final location, and it is believed the whole matter is now satisfactorily arranged in a manner mutually beneficial to both states. That resolution I now lay before you.[4]

Twenty-three miles of the Central Canal in the vicinity of, and passing through the seat of Government, have been placed under contract at a rate but little beyond the estimates of the Engineer, and the work in a very spirited manner has been commenced by the undertakers. The income to be derived from the extensive water power to be employed here, the opening for a conveyance of stone and other materials and the active commerce centering at this point, will soon make it a productive investment for the state.

In addition to the portion named, about twenty miles of the southern division, extending from the town of Evansville into the interior, have also been contracted for, and at prices varying but little from the supposed cost as reported by the Engineer. This part of the work terminating at Evansville on the Ohio, that being the landing place and point of sales and purchases for the interior, will soon bring something in return.

On the line of the Cross-cut Canal from Terre Haute to the intersection of the Central Canal near the mouth of Eel river, a commencement has also been made of all the heavy sections that will require the greatest length of time for completion. Several considerations influenced the Board in making a beginning along this line. It is the most easy, short, and natural connexion to command the trade of the Wabash in low water, and make it subservient to the Central Canal. Besides this, it opens an avenue to the fine quarries and coal mines along Eel and White rivers,

[4] The resolution is not printed in the *Journals* of the House and Senate. Upon receiving a request for it from the Senate, the Secretary of State replied that his office had never had a copy of it. *Senate Journal,* 1836-37, p. 469. It was estimated that it would cost $25,000 less to build the canal on the east side of the Whitewater River than it would cost to build it on the west side. *Ibid.,* 148-49.

and furnishes a new field for enterprize in the rich mineral districts hitherto unnoticed in Clay, Owen, and Greene counties.

It has been ascertained from an examination made at the most depressed stage of the stream, that Eel river will afford an abundant supply of water, and it is expected the expense of a reservoir, on that route, can now be obviated.[5]

Early last spring a party of Engineers was organized and directed to examine into the practicability of the contemplated Michigan and Erie Canal Line. Levels were run across the several summits and thence to the streams relied upon to supply them with water, and the result of the examination affords satisfactory evidence for the belief, that a canal may be constructed at a most reasonable cost, from Fort Wayne, keeping within our territory, and passing through the valley of the Elkhart, the Big St. Joseph, and Kankakee, terminating at Michigan city, and offering to that important district of country the facilities for transportation which its richness in mineral, as well as agricultural products, seem to require. And from the formation of the country around the South end of Lake Michigan, it is supposed the canal may be extended when the states interested deem it proper, so as to unite with the Illinois and Michigan Canal; thus affording to the Illinois valley, the upper Mississippi, and the country bordering on Lake Michigan, a direct communication with Lake Erie, which will be found more safe and advantageous than the present circuitous route through the high northern latitude of Lake Huron. From this view of the subject it will be seen that the Michigan and Erie Canal, besides its importance to the state has strong claims to the character of a national work. From the great supply of water at the summits it will be found easy for a company or for the state, at a future period, to connect it with the Wabash Canal, at several points from the mouth of Tippecanoe up.[6]

[5] For additional information on these projects, see report of the board of internal improvement in *Senate Journal,* 1836-37, pp. 131-58, and in the *Documentary Journal,* 1836-37 [No. 5].

[6] J. L. Williams' report on the Erie and Michigan Canal is in the *Senate Journal,* 1836-37, pp. 159-62.

Soon after the meeting of the first session of the Board of Internal Improvement, a party of Engineers was fitted out, and entered upon the field of service, on the Madison and Lafayette Rail-road. To overcome the ascent of high ground bordering the Ohio river in the rear of Madison, at an approved grade, difficulties were presented at the first view, that required time and labor to obviate, but in the selection of the line finally adopted, they were surmounted, and a better line has been determined upon than was supposed could be obtained. At the September letting, contracts were made extending from Madison to Vernon at acceptable prices, and the work is and will be during the winter, prosecuted with energy. The heavy transactions in produce and articles of consumption for the back country, and the large amount of travel from various points through Madison will require such increased facilities that the Board of Internal Improvement will no doubt direct such progress as will be prudent.

That the farms and other improvements may conform to it, that part of the line not heretofore surveyed, between the seat of Government and Crawfordsville, ought soon to be established, and a commencement should be made at the latter point, in time to terminate and meet the canal at Lafayette, which will, no doubt, receive the timely attention of the Board.[7]

Upon the New Albany and Vincennes road, the Commissioner was so fortunate as to avail himself of the services of a competent Engineer in season for the examinations required on that line, and its permanent location was effected in time for the letting to be made by order of the Board, in October, at which contracts for grading and bridging were entered into, embracing the line from New Albany to Paoli, about forty miles, the cost of which is but little above the computation of the Engineer. In the course of the coming year that part of the work will be prepared for the reception of the metal or covering of stone, and in a few years the entire distance between New Albany and Vincennes may be

[7] Thomas H. Blake's report on the Madison and Lafayette Railroad is in the *Documentary Journal,* 1836-37 [No. 15, pp. 2-6], and in the *Senate Journal,* 1836-37, pp. 387-92.

so improved as to afford the facilities so needed by the heavy business in exports at those points.[8]

Owing to the previous professional engagements of Mr. Fontleroy, the resident Engineer in surveying the Princeton and Mount Vernon road, the commissioner did not commence the survey of the New Albany and Crawfordsville line, as directed by law, until the second week in July. Between that time and the period of the meeting of the Board, on the first Monday in October, the examinations were pushed to the crossing of the West branch of White river, a report of which was laid before the Board. The examinations not having been carried through to Crawfordsville, the terminating point, it was deemed the most prudent course to give time for the further progress of the survey and to afford the opportunity of a joint examination and conference between the resident and Mr. Pettit, principal Engineers: and, therefore, the Board deferred a decision, whether it should be a Rail-way or McAdamized road. In the meantime the Board directed that contracts for grading and bridging the line, suited to the construction of either work, should be made, including that part from Jeffersonville to New Albany, and early next season an additional and more liberal amount of work will be put under contract.[9]

Upon the issue of the enterprize in which we are now engaged our state has staked her fortunes. She has assumed a great responsibility, but one that is full of hope and of promise and one than can secure for us lasting and imperishable blessings. It has not been fastened upon her by surprise nor imposed upon the people as the hasty offspring of over zealous public agents. It was openly discussed for two years, made the turning point in our elections, and as public sentiment demanded it, with full knowledge of ulterior consequences, it may emphatically be called the measure of the people.

[8] H. M. Pettit's report on the New Albany and Vincennes macadamized road is in the *Documentary Journal,* 1836-37 [No. 15, pp. 8-9], and in the *Senate Journal,* 1836-37, pp. 393-95.

[9] For the report on the Jeffersonville to Crawfordsville road or railroad, see the *Documentary Journal,* 1836-37 [No. 15, pp. 7-8]; and in the *Senate Journal,* 1836-37, pp. 392-93.

With the series of letting just closed on the various lines the initiatory steps have all been taken. Our great system may be said to be fairly begun, and the state has embarked in a course of policy from which there is no retreat that would be either safe or honorable. But though it has commenced under the most favorable auspices, yet its friends must not relax in their vigilance and efforts for its support. For those who are anxious to render substantial service to the state, an ample field is open in studying her true interests. With wise and prudent councils, some years of persevering exertion will be required to bring our works to a favorable termination, and ensure speedy success. There must be foresight and stability in our legislation so as to continue and increase the confidence of the people at home, and maintain the just credit of the state abroad. Until our success is complete our duties will not terminate, and whilst indulging our fancies with the prospect of a bright future, it should not be forgotten that during the progress of every public work like ours, there has been a financial pressure from which we can claim no exemption. An overflowing prosperity will follow profuse disbursement of the public funds. With its current we will all be swept along and seduced by the times, we will live high, purchase freely, contract debts, and [enter] into other extravagances, at which our present notions of economy would revolt. And when these disbursements are reduced, when the heaviest demands are made upon us for the support of the Treasury, we shall have parted with the means placed in our hands. Such a state of things will hardly fail to bring upon us a pressure, and when the dark period arrives, there may be some so forgetful of its past benefits as to complain of the system. And it will not be surprising if you find others seizing upon the moment to excite unfounded prejudices for the sake of a short career; but it will be short, and when a clear sky returns, when imperishable blessings are to be seen all around, a grateful public will applaud and reward you, who have so firmly coupled your fortunes with the success of the undertaking.

To palliate and if practicable obviate the approach of the evils of such a period, it will be the part of wisdom to take a prospective

view, and whilst all is prosperous, and our citizens are able, ready, and willing to contribute, to commence the burthen with the beginning of our works, and the levies to be made should be distributed in advance through the whole period of our operations, leaving no one year to meet the entire demands upon it. The sum to be derived from an established policy of this kind, the annual interest that may be expected from a proper disposition of our dividend of the surplus Revenue,[10] and that portion of the three per cent. fund that you will be able to set apart, will throw into the Treasury a sufficient supply for the demands upon it, leaving a handsome balance at the close of each year to be applied to the increased demands of the next.

With these resources, and with the exaction of a just accountability and an enlightened but rigid economy on the part of all entrusted with the construction of the work, you will be prepared in a great measure for any crisis.

To the Board, to its members severally, and to the engineers, the year has been one of great interest, and labour; and from the embarrassing difficulties interfering, from the harmony and concert to be observed in overcoming them, and the zeal and ability with which each discharged the share of arduous duty allotted to him, they are justly entitled to the approbation of the Legislature, and to the confidence of the public. The report of the Board, embodying so much of detail as it necessarily must, may be delayed a short time, but you may expect it in time for your deliberations.

By an act of the last Session of the Legislature the duty of procuring a survey and estimates for a road from Princeton to Mount Vernon was assigned to the Governor; but no means were placed under his control to carry it into execution. This omission was like to embarrass the work, as laborers who were willing to wait the ensuing session of the Legislature for their wages, had not the means to pay their own expenses. The necessary funds, however, were voluntarily tendered and furnished the Engineer, Mr. Fontleroy, by the Hon. Robert Dale Owen, to whom three hundred

[10] See below, 485n.

dollars have since been paid from the contingent fund. For the balance due him provision should be made by law. The report of the Engineer will be in readiness at an early day of the session.[11]

It being your province and duty to point out the remedy of any evil afflicting to the public, I most earnestly invite your attention to the condition of the Michigan Road, than which there is no subject more worthy of a share of the attention of the Legislature. That thoroughfare is the avenue through which a large portion of the emigration and travel, destined for the districts north of the Seat of Government, have, and must continue to pass; and through which we convey and receive no small share of exports and imports. It is therefore, a work of much value to the public. The proceeds of the lands granted for its improvement, amounting to about $230,000 have been exhausted with the exception of a small part. That is too large a sum to be lost, as it will be, should the road go to decay for want of an additional sum to render it available, and as it has, heretofore, cost the people nothing, the assistance required, it is believed should not be withheld. It is a state work and should be owned and treated as such. The report required by law detailing the proceedings of the Commissioner for the last year will not be delayed.[12]

In consequence of the frequent floods during the past year, the progress of the improvements on the Wabash river under the joint control of Indiana and Illinois, have not equalled the expectations of the Commissioner nor of the public. The operations have been chiefly confined to the works projected and placed under

11 Noble is credited with $300 for the survey of the road in the report on the contingent fund. *Documentary Journal,* 1836-37 [No. 2, p. 9]. Fauntleroy's report of January 6 is in *ibid.* [No. 13], and in the *Senate Journal,* 1836-37, pp. 295-96.

12 The report of the Michigan Road commissioner is in the *Documentary Journal,* 1836-37 [No. 7], and in the *Senate Journal,* 1836-37, pp. 122-28. An act was passed providing for a survey and estimate of the kind of improvement most practicable on the road north of Indianapolis; for more immediate repairs the entire length of the road was to be divided into districts and a supervisor appointed for each district who was to call out the residents liable to work upon roads for two days' service on the Michigan Road each year. *Laws of Indiana* (general), 1836-37, pp. 95-96.

contract prior to the last report of the Commissioner, most of which are now completed. Two additional contracts, were offered for the removal of some rock obstructions, but for want of competition the bids were so high that the Commissioner rejected them. About $4,000 of the joint fund have been expended on former contracts, leaving in the hand of the Commissioners for further application about $11,800. This balance can be profitably employed in extending the work at the Grand Chain, in removing obstructions at the two most difficult points unprovided for, and in the removal of the snags and logs that most endanger the navigation of the stream. Of the latter kind of obstructions, the snags and other deposites of timber, no fair estimate or offer can be made, as they cannot be designated and are distributed throughout the stream. To these can be traced most of the disasters to our commerce, and as our law requires all the work to be done by contract, it will be best to give our Commissioner such discretion as will enable him to co-operate with the one in Illinois in removing them under their own discretion. The report required by law of the Commissioner you may expect within a day or two.[13]

It is to be regretted that the great amount of duty devolved upon the Board of Internal Improvement, and upon our Engineers in the commencement of our extended system has prevented the making the minute examination that should precede the expenditure of the appropriation of $50,000 on the Wabash river. The Board deem it their duty to make a critical examination, and every exertion was made to procure the professional aid of Engineers; but the demand for such services was so great that they failed in doing so until the proper season for making them had passed away. In the early part of the month of November a personal examination of the river was made by two members of the Board, accompanied by Mr. Williams, but the river at that time was so high as to prevent a survey. They found, how-

[13] The report of Andrew Gardner, commissioner of the fund appropriated for the improvement of the navigation of the Wabash River, was presented to the House on December 7 and referred to the committee on canals and internal improvements. *House Journal,* 1836-37, p. 31. It was not printed.

ever, that the most serious obstruction to the navigation is presented by the Grand Rapids which would indicate the propriety of commencing at that place. Whether the improvement of this and the adjoining rapids can be best accomplished by dams and locks forming slackwater in the river, or by a canal with locks constructed separately from the stream, is a question which the Board will be competent to determine after full investigation. The river forms the boundary line between the states for some distance, and whatever may be the character of the work, both banks must be occupied, and before we proceed the assent of Illinois should be obtained, for which no provision was made by the law of last session. The action of that State has heretofore been liberal, and she may claim concurrent jurisdiction and control, and a mutual participation, as well in the use and profits of the work as in the expense of construction.

To prevent delay in a work of so much value to the counties adjoining, and to hasten the negotiations necessary, it will be the better course to vest the Board of Internal Improvement, or some other competent authority with power to act in conjunction with the authorities of Illinois in making the necessary compact in relation to the construction and use of the improvements to be made. The legislature of that state holds its session once in two years, and to guard against a delay of that time it may be well also, to propose an adjustment of the matter on the plan named, or in some other way, during its present session.[14]

Of the bonds of the State authorized by law for the benefit of the Lawrenceburg Rail Road Company, the Treasurer of State has caused to be issued the sum of two hundred and twenty-one thousand dollars, the company having complied with the condition precedent by filing with him mortgages on real estate to an equal amount. By a recent negotiation, the company by a loan in the city of New York have realized the amount of one hundred

[14] The Assembly passed a joint resolution setting out the terms of a compact to be entered into by Indiana and Illinois regarding construction of, jurisdiction over, and benefits received from the proposed improvements of the Wabash River. *Laws of Indiana,* 1836-37 (local), pp. 446-47.

thousand dollars at par, and from the enterprize, business character, and just claims of its members to public confidence, we have every assurance that the proceeds will be faithfully and promptly applied to the construction of the work. The liabilities and engagements of the association for work received, and new contracts, exceed one hundred thousand dollars, and they expect within three years to extend their operations to the Seat of Government.[15]

The desire to obtain property in the vicinity of our public works, has maintained the usual activity in the sale of our canal lands. Since the last session of the Legislature, the entries at private sale amount to $105,649 29, leaving on hand not more than half a dozen lots of 80 acres. The usual report will soon be submitted by the Commissioner having charge of that branch of the public interest.[16]

With the outstanding claims of the previous year, the existing appropriations at the close of the last session of the Legislature, swelled the liabilities and demands upon the three per cent. fund to the amount of $161,889 20. Our dividend since accruing from the sales of the public lands to the close of the third quarter of this year, amounting to $156,185 79, has been received at the Treasury, and apportioned among the counties, which leaves an unsatisfied balance of $5,703 41 against the fund.[17]

The sales at the land offices the present year have exceeded those of any former period. They amounted the first six months to upwards of two millions five hundred thousand dollars, and with the expiration of this month, will probably reach five millions; which will entitle us for the 4th quarter of this year, to a further dividend of from thirty to forty thousand dollars. If the sales for the ensuing year should not be diminished more than one

[15] See below, 586. A report on the Lawrenceburgh and Indianapolis Rail Road was made to the Assembly on January 17. It showed that up to January 5, 1837, the sum of $33,188.42 had been expended on the road.

[16] The report on progress made in the construction of the Wabash and Erie Canal is in the *Senate Journal,* 1836-37, pp. 145-48, and in the *Documentary Journal,* 1836-37 [No. 9].

[17] Two reports of the state treasurer as agent of the Three Per Cent Fund are printed in the *Senate Journal,* 1836-37, pp. 35-39, 211-15.

third, which is not probable, a further sum of one hundred thousand dollars will accrue, making from $130,000 to $140,000 to be applied the coming year, as you may direct. Entertaining the opinion I heretofore advanced, that there is no permanent benefit to be derived from our present mode of applying the fund, and believing it our imperious duty as far as possible, to relieve the people from the burthen of taxation, I suggest the propriety of applying the major part of future receipts to the extinguishment of the interest of the loans obtained to carry on our public works.[18]

The period of Mr. Keigwin's superintendence being about to expire, the duty of farming out the state prison for another term of five years devolved on the Governor since your last meeting. For that purpose notices were issued, inviting proposals from the public, and at the appointed time the prison with its inmates and appendages were awarded to Messrs. Patterson and Hensley on their bid of eighteen thousand one hundred dollars to the State, they to clothe and feed the convicts, and be governed by the law regulating the police of the prison, as well as their own conduct. The report of the Visiter appointed for this year, I now lay before you.[19]

The grading, fencing, and other improvements directed by law, in and about the Capitol, have been made under the superintendence of the Treasurer of State; and the Senate Chamber and Representative Hall, Court Room, Library, and the various departments have been provided with such furniture as was necessary to render them comfortable and convenient. The law punishing idle and vicious persons for marking, defacing, or otherwise injuring the building, expired, and was not revived at the last session, and as some penalty has already been needed to restrain such offenders, the subject will require the attention of the Legislature.[20]

[18] The Assembly took no action on this recommendation.

[19] The report was not printed. An act was passed at this session providing for the erection of additional buildings on the prison grounds. *Laws of Indiana,* 1836-37 (general), pp. 90-92.

[20] The was no legislation on the subject at this session.

In its usefulness and in the high reputation it is rapidly acquiring, the State College at Bloomington is meeting the expectations of the public, and is achieving all that was promised by its ardent friends and advocates. Its patronage from our citizens and from those of other states is increasing, which is the best evidence of its merits. Reared as it has been, as a favorite institution, and partaking as it does of State character, nothing should be omitted that is calculated to elevate its standing, increase its prosperity, and extend its usefulness. With that view I suggested at our last annual meeting the propriety of bestowing upon it the character and endowments of a State University; and as time and reflection have confirmed the opinion then advanced, I now renew the recommendation.[21]

The State Bank, it is believed, is subserving all the valuable purposes for which it was established. By its issues a large amount of our circulation is supplied; the influence of which, upon the price of produce and other property, is every day apparent. Its resources are ample, as you will perceive by the report of its officers, and notwithstanding the late demand for specie, the quantity in its vaults, except for short periods, has not been materially diminished, and from the report of the condition of other Banks, as made to the Secretary of the Treasury of the United States, the means of our Bank will bear a favorable comparison with any other. Of its highly prosperous condition, we have satisfactory evidence in the dividend of ten per cent. interest accruing to the State on her stock. That institution is what it purports to be—a State Bank. The State, or the People, now own eight hundred and sixty-five thousand dollars of the capital paid in, which was borrowed at an interest of five per cent., and on which we receive an interest of ten per cent., realizing to the State a profit of about $40,000 per year. The profit we receive on our stock will pay off the debt when it is due, leaving us the $865,000 clear gain, which according to the Bank Charter is to be set apart for the support of free schools. Under this view of the subject, it will

[21] There was no legislation on this matter until the following session. The annual report of the Board of Trustees of the College is printed in the *Senate Journal,* 1836-37, p. 130.

be the duty of every good citizen to support the Bank in all its lawful pursuits, and any unnecessary assault or effort to cripple its prosperity, should be viewed as an assault upon the interests of the people. But on the other hand, the legislature should look into its conduct and scrutinize every act, and for every dereliction of duty, or infraction of charter, or if conducted for selfish purposes, partially or corruptly, its officers should be promptly exposed, dismissed, and punished.[22]

The perplexing and deranged condition of the currency and unsettled state of the money market in the Atlantic Cities, combined in making the past season a most inauspicious one for our Fund Commissioners in their negotiations for the loans contemplated by law.[23] The members of the Board visited the Eastern cities several times, and delegated one of their members, Dr. Coe, to remain there to avail himself of any opportunity that might offer. The efforts of the Board resulted in obtaining funds sufficient for our purposes, but not on terms so advantageous to the State as our former loans were. The first were procured at par on our bonds bearing five per cent. interest, amounting to five hundred thousand dollars. In the second negotiation of one million and twenty-nine thousand dollars at the same rate of interest a premium of one dollar on the hundred was received. An arrangement was made for the deposites of both these sums with the city Banks by which the state receives five and five and a half per cent. interest until called for. Of the whole sum borrowed four hundred and forty thousand dollars are for the Bank cap-

22 The report of the board of directors of the State Bank is in the *Senate Journal,* 1836-37, pp. 100-7, and in the *Documentary Journal,* [No. 4]. The report of the select committee of the Senate, appointed to inquire into the condition of the bank, is printed in *Senate Journal,* 1836-37, pp. 603-28.

23 The specie circular had been issued by the U. S. Treasury Department on July 11, 1836, providing that after August 15 only gold and silver would be accepted at the land offices in payment for public lands, except that actual settlers in the states where sales were held could use paper money until December 15, 1836. This measure checked land speculation and probably hastened the Panic of 1837. *Dictionary of American History,* edited by James Truslow Adams (5 vols. and index, New York 1940), 5:143.

ital; the remainder is designed for the Wabash and Erie Canal, and for other public works.

It is highly creditable to our Fund Commissioners and to the State, and ought to be most gratifying to us all, to know that whilst other five per cent. stocks were rejected, ours obtained favor. And why is it that our credit stands so fair and unblemished? It may be ascribed in part to our abundant resources present and to come, but above all, because there has been no indication of a disposition among our citizens to trifle with our public faith, or trample on vested or private rights; but on the contrary, that they are at all times ready to respect and sustain the constitution and laws, and protect the rights of individuals. I lay before you a letter from the Secretary of the Treasury of the United States with a copy of the late law of Congress regulating the deposites of the public money in the State Banks, and providing for the depositing of the surplus money of the Treasury among the States, upon the basis of federal representation. From that act you will perceive that as a condition precedent, each State is required to pass a law accepting the dividend, and pledging its faith for the return of the money when called for by the Secretary of the Treasury.[24]

[24] An act of June 23, 1836, provided that the surplus revenue in the Federal treasury on January 1, 1837, except for a reserve of five million dollars should be "deposited" with the states in quarterly installments; the money was to be returned whenever the needs of the government required, but the general understanding was that it would never be recalled. Distribution was made to the states according to their electoral vote. *Dictionary of American History,* 5:209; Edward G. Bourne, *The History of the Surplus Revenue of 1837* . . . (New York and London, 1885), 12-20. This measure replaced Senator Clay's plan of distributing to the states the revenue received from the sale of the public lands. An editorial writer in the Connersville *Watchman* (issue of July 30, 1836) commented that "had the Land Bill been passed, instead of the present Law, Indiana would have been the gainer to the amount of at least a Million of Dollars over and above what she will now get." The Indianapolis *Indiana Democrat,* in commenting on the surplus revenue act, thought it would increase rather than decrease the pressure in the money market, for the surplus was already in circulation in the hands of borrowers; the money would have to be called in and then it would probably be a year before it could be put into circulation again by the states. Issue of July 13, 1836.

From the vast accumulations of the Treasury of the United States, as exhibited by the monthly report of the Secretary, it is probable the surplus to be apportioned among the States will allot to Indiana about fifteen hundred thousand dollars, the first instalment falling due the first day of January.[25] Whether it shall be accepted or not, according to the conditions presented by law, will be for the sound discretion of the legislature to determine. My own convictions are, that it will be the better policy to receive the money, and rely upon the future wisdom and justice of Congress for the surrender of any further claim to the fund.

If you determine the question affirmatively, then what disposition shall be made of the money to render it productive and safe?

Two plans present themselves to my mind, either of which would be acceptable. The one is to increase the State stock in equal proportion in all the branches of the State Bank; and the other, to distribute it equally among the counties of the several bank districts, to be loaned for a term of five years, in sums from $200 to $500 by the officers of the banks, secured by mortgage on lands at half their valuation:—the mortgager to pay the officers such fees as will compensate them, exempting the accruing interest from any charge of the expense of loaning. Taking into view the amount carried to the surplus fund, our bank stock for the last year has yielded a dividend of more than ten per cent.; and supposing the condition of the Bank to remain as prosperous for the future, we may calculate upon an interest of ten per cent., should you dispose of the fund upon the plan first named. If you adopt the second mode, the rate of interest will be as you may direct by law. If invested in Bank stock it can be converted into cash, whenever good policy or the exigencies of the State shall make it desirable. If loaned on mortgage, it will fall into the hands of those who cannot comply with Bank regulations by making payments at short periods. In either way the fund will be safe and productive, and the benefits of its circulation will be generally felt by the people. The annual interest can be

[25] The state treasurer notified the president of the Senate on January 16 that the first installment amounting to $286,751.48 had been received. *Senate Journal,* 1836-37, p. 359.

applied on that accruing on our loans, and will meet it on one fourth part of our contemplated public debt at five per cent. Should the General Government relinquish its claim, it will be our true policy to pledge the fund for the support of township schools after we are through with our public works.[26]

In the month of July last, from three to four hundred delegates, from the nine States most directly interested, assembled in Convention at Knoxville, Tennessee, to consult upon the practicability, the expediency, and the means to be employed for the construction of the projected National Rail-way, from Charleston, South Carolina, to the Ohio river, and from thence, by a connexion with the works of this State and Ohio, to reach the Lakes. Several of our public spirited citizens were in attendance, and participated in its deliberations. It is proposed, where other provision has not been made by the States interested, that the surplus to be distributed by the General Government shall be set apart to an amount sufficient for the accomplishment of the work. Our public work will constitute important links in the great chain of communication, and with the provision we have already made, nothing more will be required of the State.

To the West, the South, and the Union, it is a work of great value. By its completion we will acquire, in the choice of markets, all we can desire, and in the reasonable certainty of its success, we find much to stimulate and urge us onward in carrying out our plans. For your information, I have been furnished with several printed copies of the proceedings of the convention, which I now lay before you.

[26] The total amount received by Indiana was $860,254. The Governor's recommendation was followed in part in determining its use. An act of February 6, 1837, provided that one half should be distributed to the counties in proportion to the number of taxable polls, to be lent to residents of the several counties in amounts not exceeding $400 at 8 per cent interest. The interest received was then to go to the school commissioners for the benefit of township schools. The other half of the surplus revenue was to be invested in state bank stock. Bourne, *History of the Surplus Revenue,* 61-65; *Laws of Indiana,* 1836-37 (general), 3-14. The first installment amounted to $286,751.48. Wayne County received the largest share, $21,794.55. Next was Dearborn, with $15,793.25, then Rush with $14,716.28, and then Marion, with $14,560.40. Indianapolis *Indiana Journal,* February 18, 1837.

The Governor was requested, by a resolution of the last Legislature, to open a correspondence with the Executives of Kentucky and Ohio, and with distinguished individuals in the science of geology, on the subject of a geological survey of the three States; and to ascertain the probable expense, the time it would require, the manner in which it should be done, &c. That duty received the attention due to it, and I now lay before you the correspondence pertaining to the subject.[27]

From the Governor of Kentucky, I have not been honored with a reply: and it may be because he did not feel at liberty to offer any opinion, as to the course the Legislative branch would pursue, without previous authority so to do.

In this State we have external indications of large beds of coal, and other mineral deposites; but for the want of the proper test of science, their extent and value are unknown. Whether Kentucky and Ohio will unite with this State, must remain in uncertainty for some time to come,—to say nothing of the delay that would be made in settling the terms of the examinations, the proportion of the expense to be paid by each, and where they should commence.

These reflections have induced the belief that no satisfactory adjustment of the terms can be concluded upon in a reasonable time; and satisfied that our mineral resources properly developed, will give employment to thousands, subserve the purposes of com-

[27] The correspondence was not printed in the *Journals* of the Assembly. A letter from George W. Featherstonhaugh, U. S. geologist, is printed above, 463-65, from the Noble Papers. Governor Robert Lucas of Ohio wrote on November 26, 1836, that the Ohio General Assembly at its last session had appointed a committee of five to report on the best method of obtaining a complete geological survey of that state. He promised to present Noble's letter and the Indiana resolution to the committee and also to the next General Assembly. Governors' Correspondence, Ohio Historical Society, Columbus. Later correspondence of the Ohio governor reveals that the Ohio Assembly passed an act in 1837 authorizing a complete geological survey of that state, and the appointment of a principal geologist and four assistants. W. W. Mather, of New York, was offered the position of principal geologist at a salary of $2,000 a year. He accepted on the condition that he could divide his time between New York and Ohio. S. P. Hildreth became one of the assistant geologists. *Ibid.*

merce, contribute to the support of our public works, and add greatly to the wealth of our citizens and the State, I would advise the appointment of a competent person, with authority to proceed with the examination, under the auspices, and for the benefit of this state alone; and if the other States shall hereafter signify their wish to unite in making the examinations, they can be included.[28]

By a resolution of the Legislature at its session before the last, the Governor was authorised to receive from the Hon. John Tipton, a deed of conveyance for the Tippecanoe Battle Ground, which he so generously proffered to convey to the State, without charge. In consequence of some omission on the part of the Surveyor, the deed was not made before the time of Gen. Tipton's departure for Washington at the last session of Congress. I now have the satisfaction to say that the conveyance has been made, and that the remaining instructions of the Legislature will be complied with by enclosing the ground and procuring a design for the Monument proposed to be erected.[29]

The agricultural interests, it is believed, have been largely promoted by the encouragement given by the law of February, 1835. Numerous County Societies have been added to those of the previous year; fairs and exhibitions have been held, and a spirit of emulation and generous competition have been superinduced, the happy effects of which are witnessed in the improved

[28] An act was passed providing for a geological survey of the state over a two-year period by a competent geologist. David Dale Owen of New Harmony was appointed the following March to make the survey for a compensation of $1,500 a year plus $250 for expenses. *Laws of Indiana,* 1836-37 (general), pp. 108-9; Walter B. Hendrickson, *David Dale Owen. Pioneer Geologist of the Middle West* (*Indiana Historical Collections,* vol. 27, Indianapolis, 1943), 26-28. Owen was just at the beginning of his career as a noted geologist. His brother, Robert Dale, was a member of the legislature and a close friend of Noble's, and his sister Jane was conducting a school for young women which Noble's daughter Catherine had attended.

[29] See above, 311, 378-79, for the correspondence between Tipton and Governor Noble. An act of this session authorized the Governor to offer a premium for a design suitable for a monument to be erected at some time in the future. *Laws of Indiana,* 1836-37 (general), pp. 46-47. Tipton had sent to Noble on December 21, 1836, a representation of a monument which he apparently had had designed.

culture and stock of many of the farms throughout the country. The State Board have done what their opportunities would admit. After examining the report of the State Board, which will soon be made, you can determine whether a revision or further amendment of the law will be needed, for the promotion of that branch of industry and enterprize.

The accumulation of business in our courts, the additional time allowed by law to transact it, and the enlargement of several of the circuits by attaching the newly organized counties to them, have become so burthensome to the President Judges as to require one or more new circuits; and I recommend the subject to the consideration of the Legislature.[30]

Among the liberal grants from the National Treasury for the construction of harbors, light houses, &c. along the borders of the great chain of Northern Lakes, there have been several small ones for the benefit of the commerce flowing through Michigan City of our State. But these disbursements are too small and too tardy for our growing trade. In point of commerce, in the number of its inhabitants, in its unpredented improvements, and its concentration of capital and enterprize, that point on the lake has no rival, and it will be well for the Legislature to request another and an increased appropriation at the hand of Congress.[31]

[30] The Eighth Judicial Circuit was divided and a Ninth formed, embracing the counties of Elkhart, St. Joseph, Porter, Lake, Newton, Starke, Pulaski, Marshall, Fulton, and Kosciusko. *Laws of Indiana,* 1836-37 (general), pp. 61-62.

[31] A joint resolution was sent to each of Indiana's senators and representatives in Congress pointing out the great need for a harbor at Michigan City and requesting them to use their best exertions to secure an appropriation of $100,000 for completion of the breakwater. The value of shipping on Lake Michigan was estimated at twenty million dollars, about three millions of which landed or tried to land at Michigan City. Material losses sustained for want of a harbor at that place were estimated at not less than a million dollars during the past year, while more than fifty lives had been lost in the last two years. *Laws of Indiana,* 1836-37 (local), pp. 433-34. Congress had already appropriated $20,000 for construction of the harbor in 1836; another $30,000 was appropriated in 1837, and $60,733 in 1838. U. S. *Statutes at Large,* 5:130, 187, 268. A report on the work accomplished is in the *House Executive Documents,* 25 Congress, 2 session, Vol. 8, No. 277.

A joint resolution of the last session authorized and directed the Governor to employ some one to revise our school laws. That duty was discharged by engaging the services of the Hon. John Dumont, who will report the manner in which the task assigned him has been performed.[32]

The reports to be made by the School Commissioners to the Treasurer, in compliance with the requisitions of our State, are not due until December, which precludes the Governor from noticing them.[33]

In establishing the several routes composing the plan of our public works, they do not accommodate the interests, nor enlist the feelings of our citizens of Jackson, Scott, and Clark counties, nor of those south of the New Albany and Vincennes Road, and therefore they complain of its injustice. Of their dissatisfaction, information, both verbal and written, from sources that cannot be disregarded, has been communicated to the Governor, that he may make it known to the Legislature. In the last named counties, delegates have been sent to a convention at Jasper, to deliberate upon measures for the promotion of their wishes, and through their representatives here, the character of the improvements proposed, and the extent of their claims upon the patronage of the State, will be made known to the Legislature. But whilst they complain, they acknowledge their obligations to the State, and mindful of their duty, they are ready, now, as heretofore, to sustain the State in her measures, and to respect the supremacy of her laws. In the counties first named, they desire the aid of the credit of the State for the Columbus and Jeffersonville Rail Road, surveyed by Mr. Coyle, the last year.

Good policy would seem to dictate a course that will quiet these claims, and unite these small districts in interest and feeling

[32] For Dumont's report, see *Senate Journal,* 1836-37, pp. 181-85. See also below, 524n-25n.

[33] Reports of school commissioners on the amount of taxes on lands of nonresidents and others returned for nonpayment are in the *Documentary Journal,* 1836-37 [No. 10]. The total amount of tax returned as delinquent was $8,142. A penalty of 50 per cent was added to this plus interest of 100 per cent for redemption of the lands.

with the other portions of the State, and I recommend the subject to your serious consideration.[34]

Two years since, when entering upon the duties of my second term of service I pointed to the time when the landholders would be relieved from the burthen of taxation, by the adoption of the ad valorem system, as the proper period to say something in behalf of the Judicial and State officers; and I now most cheerfully comply with that engagement, by earnestly recommending such an additional allowance as your liberality and sense of justice may approve.

The salary of seven hundred dollars for a Judge was settled at the time of the organization of our State Government. We were then poor, and out of little more than sixty thousand inhabitants, about eight thousand of them paid the taxes, and, therefore a rigid economy was necessary. Land was cheap and plentiful; provisions, and every description of property, were low. But now, we have a population of more than 700,000, and upwards of one hundred thousand contribute to the support of the Treasury. The forest is subdued; our citizens are not only comfortable, but in easy circumstances; land, provisions, and all kinds of property have advanced two or three fold, but the salary of the Judge is the same. Law is a progressive science, and to keep pace with its advancement, the possession and the perusal of books are absolutely necessary; and for a Judge to be competent, or to attain eminence, his whole time and attention should be devoted exclusively to his profession. Like other men, when in advanced age, having employed his whole life in the study of the science, he should be able to point to a portion of his earnings for the

[34] The Senate committee on canals and internal improvements made a lengthy report after considering the subject. They compared the expenditures made for improvements north of the National Road with those south of that road, and found them nearly equal. Although they acknowledged that certain sections of the state would not benefit as much as other sections from the improvements undertaken, it was necessary that all work together for the common good, that the energies of all the people would be required to bring the program that had been launched to a successful conclusion without adding to it, and that additional projects must wait until those undertaken began to yield a revenue. *Senate Journal,* 1836-37, pp. 329-37.

future support of his family; but with his present salary he cannot do either; and if you will inquire among yourselves, you will find, with few exceptions, our Judges are poor, and if freeholders at all, it consists of a town lot with a family dwelling.

Since your last meeting, one of the Judges of the Supreme Court resigned his office, because it would not support his family. It was offered to most of the senior members of the Bar, but rejected; and no one sought it. To avoid an adjournment at the last term of the Court without the transaction of the usual business, the place was accepted by a distinguished individual, at the urgent request of the Bar, reserving the right to surrender it at pleasure. Of this state of things, the consequence will be, that those of the highest attainments will be driven from the Bench, and seats there will only be accepted by those who have not talents to live by the practice.[35]

The Constitution has placed my salary beyond your reach, by forbidding any increase whilst the Governor is in office. But having a right to advise what the pay of my successor ought to be, and this being the session at which you must act in the matter, if at all, I feel it my duty to tell you that he cannot live upon what you now allow. Place him at the seat of government for three years, and from the price of rent, wages, fire wood, and provisions, if he does his duty towards the other branches of the government, to strangers, to our citizens, and to his station, such as the laws of hospitality and courtesy require, he must leave the office largely in debt; and if found so ruinous, it will soon be that none but the wealthy can accept it.[36]

Of the per diem compensation allowed to members of the Legislature, you are constituted the proper judges, and your delicacy may suffer in extending even handed justice to your branch. But it is well known to all who shared in public life, at

[35] Noble was referring to the resignation of Stephen C. Stevens and the appointment of Charles Dewey. See above, 456-57n. The salary of Supreme Court judges was increased to $1,500 a year at this session, that of president judges of the judicial circuits from $700 to $1,000. *Laws of Indiana,* 1836-37 (regular), p. 75.

[36] The salary of governor was increased from $1,000 to $1,500. *Ibid.*

the time your compensation was fixed at two dollars, that boarding was one dollar and fifty cents per week, and your horse 75 cents; you have now to pay from two to three times that amount. Flour and pork, then worth one dollar and fifty cents, will now command three times that sum; and as it is the rise of produce that increases your expenses, surely the farmers will not complain if you hereafter make yourselves whole. But this is not all. In preparing to leave home, you place your crop, stock, and other business in the hands of agents, who must be paid; and when you balance your accounts with the State, none of you realize 50 cents per day. This state of things will justify an allowance of three dollars per day for future sessions; and if at the end of three years you find your expenses are reduced, you can reduce your pay to the old price; and you will find your constituents too generous, liberal and just, to censure you.[37]

Owing to the changes made in the channel of the Great Miami River near its mouth, the boundary line between the States of Ohio and Indiana is so indefinite, that the Legislature of Ohio, to avoid collision, has thought proper to invite its permanent settlement. For that purpose, I have been furnished by the Executive of Ohio with the joint resolution, which I now have the honor of laying before you.[38]

[37] The compensation of members of the General Assembly was increased from $2.00 to $3.00 per day during their attendance at the session; travel allowance was increased from $2.00 to $3.00 for every twenty-five miles traveled going to and from Indianapolis. *Ibid.*

[38] The Assembly passed a joint resolution authorizing the Governor to appoint a commissioner who was to meet with a commissioner from Ohio and proceed to the mouth of the Great Miami River where they were to determine the point on the north bank of the Ohio where the boundary between Ohio and Indiana originally commenced. A monument was to be erected to mark this spot and from this point the commissioners were to run and mark the boundary line to the point where it would intersect the state road leading from Elizabethtown, Ohio, to Lawrenceburg, Indiana; here they were to erect another marker. *Laws of Indiana,* 1836-37 (local), p. 430.

The boundary between the two states was first surveyed in 1798 and then traced again in 1816. John A. Matson, commissioner for Indiana, and M. T. Williams, commissioner for Ohio, met in November 1837 and with a surveyor, Nathaniel L. Squibb, proceeded to establish the line as nearly as possible from the field notes made in 1798. Two monuments

Whilst giving your attention to the various branches of the public interests and service, if you find my exertions at all necessary to advance them, you may rely on my earnest co-operation.

N. NOBLE

December 5, 1836.

Treasurer's Report[1]

TREASURY DEPARTMENT, INDIANAPOLIS, Dec. 10th, 1836

The Treasurer of State, in obedience to the directions of the act concerning the Auditor of Public Accounts and Treasurer of State, submits the following report of the revenue and expenditures of the State, and the operations of the Loan Office, &c., from the 1st of December 1835 to the 1st of December 1836.

There was a balance remaining in the Treasury at the close of the last financial year, of $6,137 31, as follows, to wit:

Funds of the Treasury proper	$663 06	
College Funds	4,891 81	
Saline Funds	582 44	$6,137 31
Receipts during the fiscal year		
From revenue of 1827	$145 79	
" 1834	3 69	
" 1835	50,569 57	
" 1836	560 00	51,279 05
Rents paid by Superintendant of State Prison		700 00
From sales of Michigan Road Lands		38,031 17
" lots &c. at Indianapolis		1,342 56
Loans of Indianapolis Fund, refunded		1,041 60

were erected according to their instructions. Pence and Armstrong, *Indiana Boundaries,* 4-6; Joseph Vance, governor of Ohio, to Noble, March 30, 1837; Matson to Noble, November 25, 1837, and Noble's message to the General Assembly, December 7, 1837, printed below.

[1] *Senate Journal,* 1836-37, pp. 61-65.

Interest on loans of Indianapolis Fund..		218 78
Estate without heirs		586 94
Incidental payments		16 75
Congressional Townships		438 06
Militia fines		33 00
The receipts in the College Branch of the Loan Office Department have been, from William Alexander, Commissioner of Reserve township in Monroe county	$1,650 89	
James Smith, Gibson county	3,477 91	
Loans refunded	6,961 05	
Interest on Loans	3,345 87	
Sales of Mortgaged Lands	832 84	16,268 56
The amount paid into the Treasury of Saline Fund appertaining to the Loan Office has been:		
From Andrew Wilson, Commissioner of Saline Lands in Orange county	$3,921 74	
" Loans refunded	510 00	
" Interest on Loans	1,202 89	
" Rents of Salt Lick Reserves	270 12	5,904 75
Amount overpaid by the Treasurer of State		4,265 61
		$126,264 14

The Expenditures during the same period have been:

Pay and mileage of Members of the Legislature, including Clerks, Doorkeepers, &c.	$19,073 68	
Printing and Stationary	6,348 51	
Specific appropriations	5,459 18	
Contingent expenses	1,047 62	
Premiums on Wolf Scalps	512 50	$32,441 49

Pay of Probate Judges (Probate Warrant No. 1935, $15, outstanding)	2,929 50	
Pay of Executive Officers	2,700 00	
" Judges of Supreme and Circuit Courts	8,657 25	
" Circuit Prosecutors	1,287 50	
" Adjutant and Quarter-master Generals	192 00	15,766 25
Payments on account of State House		9,830 12
" " " Prison		1,573 54
" " " Library		100 00
" " Seat of Government		425 82
Presidential Election		289 90
Estates without heirs, refunded		278 04
Michigan Road Scrip redeemed		37,256 17
Michigan Road		552 88
The disbusements on account of the College Branch of Loan Office have been,		
Indiana College, including incidental expenses of Loan Office	$3,804 67	
Loans of College Fund	16,392 34	20,197 01
Payments on account of Saline side of Loan Office, as follows:		
Amount of Loans	$6,425 00	
Saline Fund expenses	139 86	6,564 86
Congressional township fund transferred		988 06
		$126,264 14

The available means of the Treasury for the ensuing year, may be estimated as follows:

Revenue of former years	500 00

Revenue of 1836 yet due	62,500 00
Rents from Superintendant of State Prison	3,620 00
	$66,620 00
The expenses will most probably be	
For Salaries of Judges and Prosecutors	$12,000 00
Executive Officers	2,600 00
Printing, Stationary, and distributing the Laws	6,000 00
Legislature	28,000 00
Contingent and specific appropriations	3,000 00
Probate Judges	2,500 00
Wolf Scalps	700 00
State Prison	2,000 00
State Library	200 00
Adjutant and Quarter-master Generals	150 00
Presidential Election	400 00
To which may be added the present deficit of the Treasury including all unaudited and other claims	15,000 00
	$72,550 00
Leaving the Treasury in debt on the 30th Nov. 1837,	$5,930 00

The balance of the revenue of 1835, with a slight exception, was paid into the Treasury with the same promptness which had attended the collections of previous years.

We have no data founded upon actual experience, upon which to base an opinion, favorable or unfavorable to the ad valorem law under which our assessments and collections are now made; but the returns now making and the payments soon to be made at the Treasury, together with the observations of collecting officers and others, will shortly disclose the character and bearing of that law, and the amendments necessary to make its operations efficient in assessments and collections, and equitable in its exactions upon all the various interests of our population.

It was suggested in my last annual report that there would be a deficiency in the Indianapolis fund, to meet the expenses of

the State House, of from ten to fifteen thousand dollars. This deficiency has been fully realized, as the payments of the last and the present year on account of the State House, have anticipated the Indianapolis fund to the amount of 15,000 dollars (besides the sums expended under the act of last session.)

This has been from necessity, subtracted from the other means of the treasury, which under the best economy, was scarcely adequate to the ordinary expenses of the State. The effect has been to produce a deficiency in the Treasury of dollars exclusive of the payments on account of the State House under the act of last winter, and other claims not audited, amounting altogether to over dollars.

It was supposed at the date of my last annual report, that the lots and public grounds at Indianapolis, which would be brought into market in the course of the current year, would reimburse to the Treasury the amount of 6,000 dollars then already paid from the Treasury in anticipation of the Indianapolis fund, as well as meet the expenditures on account of the State House accruing the present year.

Those lots not having been brought into market, the deficit remains to be provided for as the legislature may deem expedient. Whether or not this deficit will be met by a corresponding increase of the revenue, over the growing demands on the Treasury, though the ordinary expenses of the State, cannot now be ascertained, as the affects upon the revenue under the operations of the ad valorem law, have not yet been sufficiently tested to enable a correct opinion to be formed. There is a probability however, that a small increase will be realized, but the greater safety for the Treasury, would seem to suggest the propriety of bringing into market the lots in Indianapolis, yet retained by the State.

There has been presented at the Treasury by the Lawrenceburgh and Indianapolis Rail Road Company, under the provisions of the act of last session, mortgages to the amount of 221,000 dollars and an equal amount of State bonds have been delivered to the Company.

The operations in the several branches of the Loan Office still continue to manifest the salutary character of the law, and the

safety and productiveness of the funds subject to be loaned under the superintendence of the Treasurer of State.

The balance of the property mortgaged by the late James Noble, has been sold for an amount equal to the balance of the debt and interest. It is not now believed that any portion of the funds under the action of the Loan Office, is in a hazardous condition, but that all rests upon such undoubted security, that no loss can reasonably be apprehended.

The expenditures on account of the State House, incident to the various requirements of the act of last session, will probably amount to about $5,000 dollars. The principal item of this expense has been on account of grading the State House square. A detail statement of the whole, will be made the subject of a separate communication.

All of which is respectfully submitted.

N. B. PALMER, Treasurer of State

Samuel Judah to Noble[1]

VINCENNES Decr. 14, 1836

D SIR The result of your election has not in the least disappointed me.[2] I am perfectly aware that I latley displeased you

[1] ALS. ISL: Indiana Division, Noble Papers.

[2] Judah is probably referring to the election of the United States Senator by the General Assembly which occurred on December 9. Oliver H. Smith was elected on the ninth ballot. Noble had been Smith's strongest contender. On the first ballot he had polled 50 votes, Smith 35, Hendricks 31, and Boon 22, with 8 scattering votes. On the fifth ballot he got up to 65, with Smith declining to 38, Hendricks receiving 40, Boon 0, and 3 scattering. The final ballot was 79 for Smith, 63 for Noble, 1 for Hendricks, and 2 scattering, Hendricks' strength having gone over to Smith. *House Journal* 1836-37, pp. 36-38.

One Democratic representative, Thomas B. Brown, from Tippecanoe County, commented to Senator Tipton on this election: "The friends of V. B. and the administration went for Boon and Hendricks at first, and failing on H. we went for Smith who is certainly far preferable to Noble and has given us such pledges as must be satisfactory to the ensuing administration—Never were such efforts used to elect any man as Noble. . . ." *John Tipton Papers,* 3:320. Calvin Fletcher seemed to regard the election more as a defeat of Hendricks than victory for

at Inds. by the manner I spoke on the subject. However to none other did I ever express myself in the same tone.

Smith: "It was found that H. in no event c'd be elected after there were letters exhibited by both parties showing he had clearly given members belonging to each side pledges of support to their particular side. . . . those disclosures drove his adherents to Smiths friends which elected him. This for a short time formed a new party—an opposition to the Indianapolis Junto—or central power—" *Ibid.*, 3:330.

The Indianapolis *Indiana Journal* had supported Noble, and declared that he would have been the choice of the people. "Mr. Hendricks it is well known was emphatically regarded as the prominent candidate on the Van Buren side of the question, and derived and obtained support as such. And although Mr. Smith, the successful candidate, is known to be a Harrison man and as firm and decided in his course probably as Gov. Noble or any other individual could possibly be, still the opposition on the score of party was much more strongly exerted, we apprehend, in reference to the latter gentleman than it would have been against almost any other individual in the Harrison ranks. But not withstanding this activity on the part of some who were untiring in their efforts to give it point, it is due to others belonging to the same party, to say, that they are amongst his warmest friends and most decided supporters."

The editor consoled himself on the defeat of his candidate by adding, "If indeed this election has not resulted as a large majority of the people of Indiana might have wished, in the fitness of things, there is no ground we conceive for the Van Buren party claiming it as a victory. . . . Of the individual elected it may be justly said, that he is a gentleman of very respectable talents and of untiring industry. . . ." Issue of December 10, 1836.

Fletcher's reference to the "Indianapolis *Junto*" may have been prompted by the Indianapolis *Indiana Democrat,* which wrote on Noble's efforts to win the senatorship on December 18, "By portioning out his favors, and placing in office his friends he established at the seat of Government, a central power, a perfect Junto, which has ruled, and which intended to rule the people. The central junto . . . have . . . secured to themselves every station of honor and profit." The editor added that since a Whig senator had to be elected, they were satisfied with the result. The *Democrat's* frequent reference to the Junto finally brought a retort from the *Journal.* On January 14, 1837, it said: "All who have made much observation know that it is an easy matter to get up a prejudice against seats of government, and there will always be demagogues found who will seek their profit by exciting this prejudice. There is no good reason why this town should constitute an exception. . . . We feel it our privilege and duty to say that the great mass of our citizens are not office hunters, nor are they connected with any sort of junto. . . . The anxiety to injure Governor Noble is not a sufficient excuse for such wholesale denunciations." To support his assertion of

The fact is, I knew you was the orthodox Whig candidate. I knew that you was looked to as such by all honorable men in this & other states of each party—and truly I know well enough the principles which, to our disgrace, have ever governed Indiana Legislative Minorities.

But there is another chance—or rather there will be, two years hence. By that time, I think that the improvement in our political morals evident in the last few years will be much more fully devoloped— Sufficiently so to ensure success to the proper person.

It will be only necessary that you should keep yourself before the public. But let me tell you that quite as many of your enemies, as of your friends wish you to take your chance for the district.

I understand the feeling at Inds. relative to the Bank. It seems to me that with the folks now there distracted as they are by jealousy of the present institution, by local interests, and by the conciousness that the present system is not sufficient for the wants of the State—by project the Scotch System with Insurance powers—must take, and I do most sincerely hope it may. It will fasten the state to the distribution system—it will supply the wants of the people—it will afford a counterbalance to the in-

Noble's independence and statesmanship the *Journal* then referred to his appointment of Nathan B. Palmer, a Democrat, as state treasurer.

Robert Hanna, representative from Marion County, did not vote for Noble, and explained why in a letter in the Indianapolis *Indiana Journal* of February 25. His chief reason was that Noble "had put himself out of the pale of my support by a *pledge* that if the people would consent to elect him Governor, that high office should never be made a stepping stone to any other office, neither while in office or afterwards. . . ." He cast his vote at first for Hendricks who he said had voted for Harrison for the Presidency and had "brought forward the measure which gave us the Wabash and Erie canal lands, besides the several acts to extend and improve the Cumberland road, and the Wabash river; he voted to reduce the price of public lands, and cede the refuse lands to actual settlers; he voted for the forty-acre law; he voted for Mr. Clay's land bill, and for the distribution of the surplus revenue; he is superior to Gov. Noble in point of erudition, talents, and political experience, and not his inferior even in the article of an accommodating *smile*. . . ." Hanna added that when he saw that Hendricks could not be elected he had turned to Smith.

fluence of the other—it will be popular—Will you not think of it seriously.

Very Respectfully Yr friend

SAML JUDAH

[Addressed:] His Ex Noah Noble Indianapolis Ind

Amos Clark to Noble[1]

[December 16, 1836]

HIS EXCELLENCY NOAH NOBLE

SIR In answer to your enquiries concerning the part I have taken in the purchase of a tract of land at the forks of White River I beg leave to state that I feel a perfect freedom in laying the whole transaction before you not as a state document but for your information or those who may feel an interest in the matter and I am not only willing to give you the statement but willing to verify it with my affidavit which is hereunto appended— In the first place you have herewith enclosed the statement of Mr. Goodsell accompanied by his affidavit which I presumed might be sufficient without any further explanation from me. I will however make a few additional statements. I had always supposed and still think that it never was intended or expected that by accepting the appointment of a member of the board of Internal improvement[2] it was to prevent an individual from carrying into effect contracts made in good faith previous to his appointment. If this position be true even what persons have said concerning my purchases could attach nothing wrong to my conduct as I certainly had made a fair and *bona fide* contract for all the interest I ever pretended to have in the land previous to my appointment and previous to the resignation of Judge Hall and since I was apprised of his intention shortly to resign I have made no contract whatever nor have I authurised any one to do it

1 ALS. ISL: Indiana Division, Noble Papers.

2 For note concerning Clark and his appointment to the Board of Internal Improvement, see above, 437-38n, and below, 512.

for me either with the former owner or the present one Mr. Goodsell

And I will go farther and say that I have neither made a new contract nor executed an old and I will go still farther and say that not only I have neither made any new contract executed an old one concerning this land but do not expect or intend to be benefited by any that Mr. Goodsell has made as it is not my intention or expectation to have any thing to do with it otherwise than to endeavor to induce Mr. Goodsell to fulfil promises I have made to several gentlemens previous to my making any purchase. I had promised several to let them become interested in case I made the purchase of which Mr. Goodsell has been apprised and has expressed a willingness to fulfil that promise but it is without advance or profit for if they take it they have it at the price he gives for it and this fact I have communicated to some of them. I will further state that there is no understanding on my part that either Mr. Goodsell or any other individual is to hold the property in his or their name for my benefit— I have no pledge from Mr. Goodsell that I shall ever have or hold any interest in the land unless his statement here inclosed can be construed into a pledge of which I might legally avail myself nor has he any from me that I will ever take or wish to take any interest in the purchase whatever.

From the fact of my having previously contracted for the one half and having the refusal of the whole and that too for his benefit as well as mine I never doubted but he would if I were willing to risk it convey me one half or any less interest if I required it but this is what I have not done nor do I intend to do it. Neither has there ever been either a written or verbal agreement to that effect. On the whole I can state that whatever agency I have had in this purchase which has so much disturbed the consciences of some of the *early friends of Internal Improvement* was all done before Mr. Halls resignation and at a time I did not look for the appointment which contracts nor no other on my part have ever yet been executed.

I believe on examination it will be found that it is among those only who have always been opposed to our system of Internal

improvements that have all at once become so excedingly scrupulous on this subject. Those who have done nothing in its favor and even among those I am not aware that there is any senator or Representative disposed to oppose me— I believe it will be admitted on all hands that I have made more sacrifises in favor of our system of Internal Improvement than any man south of White River and I believe myself more than all of them put together and I am yet to learn that there is a single individual who charges me with a neglect of duty since the management of any of our public works have devolved upon me— You are aware I presume that my appointment was without my solicitation and I trust you are satisfide as to my competency or you would not have appointed me and under these circumstances it would seem a little extraordinary if my name were not to go before the senate but should you think it inexpedient to nominate or the senate to confirm I can only say that I am not conscious of having justly forfeited either your confidence or theirs but shall submit as cheerfully I believe in both yours and their decision as any other individual.

Respectfully I am &c

AMOS CLARK

STATE OF INDIANA MARION COUNTY Dep Amos Clark maketh oath that the facts contained in the foregoing statement so far as stated from his own knowledge are true & those stated from belief or information he believes to be true. Sworn to before me this 16th day of December 1836. ISAAC BLACKFORD, one of the Judges Sup. Court. Ind.

[Addressed:] His Excellency N Noble Indianapolis

Howard Stansbury to Noble[1]

WASHINGTON Decr. 18, 1836

SIR I have to acknowledge the receipt of your Excellency's letters of the 15th of May & of the 24th ultimo,[2] on the subject

[1] ALS. ISL: Indiana Division, Noble Papers.

[2] The letter of May 15, is printed above; the letter of November 24 has not been found.

of a balance alleged to exist against me on the part of the State Of Indiana in the settlement of my accounts for surveys made in that State during the year 1835. Reluctance to enter into farther discussion on a matter which I thought too plain for dispute or misunderstanding, together with the pressure of professional duties had at one time determined me to decline any further correspondence on the subject: but farther reflection inclines me to pursue a different course.

I cannot be insensible to the advantage possessed by your Excellency over a private and especially an absent individual, in any difference of statement between us; and I am fully aware that the reputation of the most upright man may, with ease, be fatally injured by *ex parte* statements especially when made in an official form and coming from high authority. As it is not in my power to be on the spot & there to vindicate my good name from the imputations, which seem to be insinuated in your Excellency's communication, I have determined rather to pay the balance most unjustly (as I conceive) demanded in your letter, than run the risk of that injury to my reputation, which under the circumstances, is but too likely to result from a refusal.

In coming to this determination I yield to the necessity of circumstances, not to the equity or legality of the claim, nor to the strength of the arguments advanced in its support.

Before closing this letter however, permit me to notice some errors into which Your Excellency has fallen in the statements contained in your letter of the 15th of May.

And in the first place, you must have wholly misunderstood my language if you suppose me to have said that I had "dictated" to Col. Abert the form of the orders under which I acted. That they are in my hand writing is very possible: & it only shews that I had copied them, which, for aught I know to the contrary may be the case. I never said that I had dictated them, nor any thing that could fairly bear such a construction. Col. Abert is not a man to suffer dictation from any, much less from his own officers. This is a small matter, but as it goes to injure my standing as a gentleman I cannot let it pass without correction. As to the

motives which induced you to place at my disposal the funds necessary to carry on the surveys, and the security you supposed you had in the U. S. Govem't that is a matter with which I have no concern unless to observe that that Government has for many years deemed my own personal honour as amply sufficient security for the safety of much larger sums than those placed in my hands by you.

I now come to a subject which you say has filled you with surprise & regret. With regard to this matter Your Excellency is again in error in supposing that in my letter of the 5th of March I intended to "claim a credit" for the money of which I was robbed. I made no such claim, nor do I think my language will bear such interpretation. I simply brought forward an incident with which I knew you to be acquainted as an example of the risk of loss to which a disbursing agent is liable, & which in my case had actually occurred, as an argument to shew that it was not to be expected that I would undertake the charge of disbursing the necessary funds without the expectation of a proper & just remuneration. If you understood my language in any other sense I must have been peculiarly unfortunate in conveying my meaning. Your Excellencys refusal therefore, to allow a charge that was not made is no disappointment to me— As regards the money's belonging to my wife, if you will apply to Mr. Ketcham, he will inform you that I *made oath* that *I* had lost the money. It is true that I had intended to give it [to] Mrs. S. to bear her expenses home, but it is equally true that whilst it was in my possession unappropriated, it was the money of the state, particularly as it formed a portion of the first draft I rec'd from Nicholas McCarty the Agent of the State, upon a Bank in New York the greater part of which I drew in gold.

As this is the only part of your letter which seems to evince reluctance on your part to entertain an unfavorable opinion of my integrity, I have been the more particular in explaining the circumstance although the imputation upon my veracity, which your language conveys cannot be otherwise considered, than extremely offensive.

The next error I notice in your letter is the following. You say "As to the little items for medical service it is not expected nor required that you will return them." By turning to the Account Current dated Feb. 9, 1836 you will find the following on the *Credit Side*. "Doctor Mears Bill for Medical Services, disallowed $54.75." And in the last paragraph but one or two of your letter you say "Those items" (viz Medical Services & Commissions) are the causes of the balance against me. How am I to reconcile these Conflicting Statements?

Your Excellency will please to allow me to judge as to whether or no I left an Agent at Indianapolis. It is at all events too late for Your Excellency to deny it, after having yourself recognized him as such, & settled my account with him in that character. Mr. Coyle *was* my agent, & acted as such whenever it was necessary. He acted under my orders & reported to me from time to time what he had done. I left with him blank checks signed by myself, which he filled up as they were wanted by the different officers of the parties: these checks were dated after I left Indiana even Cashed at the Bank according to their tenor, & I have in my possession a list of them the correctness of which is certified by your Excellency. I am not in the habit of needing testimony to support my assertions & I resent as injurious your invitation to bring forward any one to prove the truth of my declaration. Testimony of this has been proffered to me but I scorn to use it.

After a period of unusually close & laborious exertion, to which I was stimulated by anxiety to lay my report before the Legislature by the time I had engaged, I applied to you for leave of absence on account of the peculiar state of health of my family. It was granted with the kindness and urbanity I had ever received at your hands, & which I little expected would be succeeded by so different a course as you have been please to adopt toward me. I stated to you distinctly at the time that I held myself responsible for the work: I was not released from that responsibility by you. The work itself, the arrangement & manner of its execution, were provided for by me before I left the ground, & I rec'd reports

of its progress after reaching home, communicated to me as the commanding officer of the parties. No intimation was given to me, that in case I availed myself of your Excellency's leave of absence my agency would cease, and I feel the more surprise that being a military man yourself, you should deem absence on leave a bar to the allowance of pay, & I certainly did not "suspect any ulterior object" in your so readily complying with my request.

How it comported with your convenience to make up the accounts in my name more than in your own I cannot conceive, more than I can that my checks were "outstanding" when money was appropriated by the Legislature for their redemption. Many of these checks are dated after my departure from Indianapolis & their payment recognizes the continuation of my agency.

As your Excellency therefore seems determined to adhere to the letter of the bond, I claim compensation until the termination of the work, & for time thereafter, sufficient to enable me to return to my home.

In your letter to me of the 16th Feby you say "Mr. R. Coyle took with him in duplicate the account as stated, to which your attention is called that you may point out any error that may have crept in." In reply to this I requested that you would "be so good as to give me a statement of Mr. McCartys acct. against you for me since the first of October, as the last account current does not agree with my books. *Perhaps the error may be on my part.*" Upon this you have thought proper to found a charge that I "seem disposed to settle" the balance against me "by an alleged error." Allow me to say that the imputation is as unfounded as it is unjust. I never had such an intention nor will the circumstances justify you in making the charge. I again repeat the request that I may be furnished with the statement. The account current does not agree with my books: I do not now nor did I then say that the error has been on your part, but I conceive I have a right to such a statement, that I may be certain where it is to be found.

I will now state what I am willing to do to free myself from any further trouble upon this subject.

The balance against me amounts to		$360.68
From this by your own admission is to be deducted	$54 75	
Pay from 23d Decr. to 10th Feby. '36 50 days	125 00	
Time occupied in returning to Wash'n 10 days	25 00	
		204.75
		$155.93

This I am willing to pay, provided your Excellency has not made & will agree not to make any communication to the Legislature on the subject. I make this condition on the grounds stated in the first part of this letter & for no other reason. Your Excellency has so entirely the advantage of me in virtue of your position, that any views or decision you might give in the case would of course be detrimental to my reputation, as I cannot be on the spot to defend myself.

Upon Your Excellency signification of your agreement to my proposal, & authorizing some person to receipt for the money it will be paid over.

And now, Sir, in closing this communication, so painful to my feelings, but wrung from me under the natural indignation which every honest man cannot but feel when assailed by insinuations injurious to his integrity let me observe that these insinuations deserve their chief power to wound, from the remembrance I cherish of the many grateful attentions I received from your Excellency, while discharging that public duty which brought us together. From a stranger, or an enemy, I should not have been surprised at some of the language you have seen fit to select in commenting on my claim; a claim which in the like circumstances has never been demurred to, far less refused; but from you it was totally unexpected. I feel nevertheless disposed to check in part the feeling it excites, by attributing it to an overwatchful jealousy in guarding the public interests confided to your hands: and I cannot but hope that this very unpleasant correspondence

may terminate in a renewal of those friendly feelings which I desire ever to cherish, & with which I remain

Very Respectfully Your Excellency's Obt. Servt.

HOWARD STANSBURY

HIS EXCELLENCY NOAH NOBLE Governor of Indiana

Jonathan McCarty to Noble[1]

HOUSE OF REPS WASHINGTON Decr 19th 1836

MY DEAR SIR I have this day forwarded you the report of the secretary of the treasury mentioned in your letter of last month tis the first one furnished the house by the public printer of course the first in my power to send you—the result of the recent election of senator and secretary of state[2] has produced some surprise here especially that of secretary and letters reced here and the boasting of Sir Amos[3] of the red bag claim even the senatorial election as a triumph tho this is viewed by most a mear *blow* of Amos nothing of importance has yet transpired in either house the election of vice president has to be determined by the senate but of course Dick must be the man as his vote is so near and so mutch the largest.[4] I would sudgest again the propriety of electing members of congress by gen ticket[5] I would like to know if Mr S while at Indianapolis made any development of what course he and his friends intend taking in my district next summer and how they are to settle the question between Mr R & C.B[6] let me hear from you often

Yours very respectfully

J MCCARTY

EXCELENCY N NOBLE

[1] ALS. ISL: Indiana Division, Noble Papers.

[2] See above, 467, 500-502n.

[3] Amos Lane.

[4] See above, 466n.

[5] This is apparently the same suggestion as that made by Enoch McCarty in a letter of December 7, 1834, that the seven representatives be elected from the state as a whole rather than one from each of the seven districts.

[6] See below, McCarty to Noble, January 22, for full discussion of this allusion to the Congressional election in the fifth district.

Noble to the Senate, Nominations for Fund Commissioner and Board of Internal Improvement[1]

EXECUTIVE DEPARTMENT,

INDIANAPOLIS, 20th Dec. 1836.

THE HON. DAVID WALLACE, President of the Senate:

Nicholas McCarty, Esq. having resigned since the close of the last session of the legislature, the appointment of Fund Commissioner was made to Dr. Isaac Coe, whose name is now offered for the confirmation of the Senate.[2]

The appointment of commissioner upon the State Board of Internal Improvement having devolved upon the Governor, by the resignation of Judge Hall, it was made to Amos Clark, whose name is submitted for the consideration of the Senate.[3]

Owing to the classification of its members, the period of service of James Johnson, David H. Maxwell and John Woodburn, on the Board of Internal Improvement, will expire during the present session, and that the Senate may have full time for deliberation, I nominate them for re-appointment.[4]

N. NOBLE

Noble to the Senate, Nomination for Board of Internal Improvement[1]

EXECUTIVE DEPARTMENT, 22d Dec. 1836

I submit for the consideration of the Senate the name of John A. Graham, Esq. of Warrick county, as a member of the Board of Internal Improvement, for the line of the Central Canal.[2]

N. NOBLE

1 *Senate Journal,* 1836-37, p. 188.

2 McCarty resigned on March 24. Coe's nomination was confirmed by the Senate on December 23. Recommendations, Appointments, Resignations file, Archives Division; *Senate Journal,* 1836-37, p. 209.

3 Samuel Hall resigned on September 23. Clark's nomination was rejected by a vote of 2 to 45. *Ibid.,* 191-92. See Clark to Noble, above, 503-5.

4 The reappointment of these men was confirmed with little or no opposition. *Senate Journal,* 1836-37, pp. 190-91.

1 *Ibid.,* 200.

2 Graham's nomination was confirmed on December 23. *Ibid.,* 209.

Noble to the Senate[1]

EXECUTIVE DEPARTMENT, 2d Jan. 1837

SIR: In reply to a resolution of the Senate in relation to the late survey of a route for a rail road from the Maumee Bay to the rapids of the Illinois river by the United States Engineer, it becomes my duty to say that this Department is not in possession of any report or communication whatever, on that subject.[2]

Respectfully,

N. NOBLE

Jonathan McCarty to Noble[1]

Private

WASHINGTON CITY Jany 2d 1836 [1837?]

DEAR SIR I wrote you some time since upon the subject of a change in the electorial law for members of congress to general ticket.[2] I am still the more I reflect upon subject the more confirmed in the propriety of such a measure It secures to the state all the advantages of the five votes of her deligation upon every measure of national & state policy and at this time when the land bill and the surplus revinue and various other subjects are under examination its behooves us as Indianans to fortify ourselves in every possible manner against every emergency this is a consideration I think of itself aside from political considerations of which you are better advised than myself to induce our friends in the legislature to act and to act promptly— besides tis the only sure and certain means to defeat Amos[3]—for all tho there are majorities in every district yet some are small and you should recollect the power party have the decided advantage and the buying doctrine will be

[1] *Senate Journal,* 1836-37, p. 257.

[2] Jesse L. Williams, William B. Mitchell, and Joseph Holman reported December 19 on a survey made for a road or railroad between Lakes Erie and Michigan. It is printed in the *Senate Journal,* 1836-37, pp. 157-62, 172-77.

[1] ALS. ISL: Indiana Division, Noble Papers.

[2] See above, 511.

[3] Probably Amos Lane.

put in practice and in my poor Judgement is now in arrangement throughout our state by special agents here *upon duty* the new senator is already claimed here (tho I think erroniously) yet by order from here you will find in some districts the Van men will be ordered of the turf [?] & some favorite whig will receive the Van votes & gradually & at the apptd. time act with & for them *More hereafter.*

Yours

J McCarty

His Excellency N Noble

Noble: Proceedings of the Education Convention[1]

[January 3, 1837]

The Convention of the friends of Education met at Indianapolis in the Representatives' Hall, on Tuesday, Jan. 3, 1837, at 2 o'clock. The meeting was called to order, and Gov. Noble appointed chairman.

Messrs. Wilder, Dumont, and Palmer, were appointed a committee to nominate officers; who, having retired for a short time, reported and recommended the following appointments, viz. Gov. Noble, president; Dr. Wylie, and Judge Blackford, vice presidents; J. W. McKennon, and Wm. M. Dunn, secretaries. On motion, the above named persons were appointed the officers of the Convention.

Messrs. Wilder, Henkle, Owen, R. W. Thompson, and Briggs were appointed a committee of arrangements for preparing business for the Convention.

The names of the counties in the State were called over, and the following gentlemen gave in their names, and took their seats as members of the convention, viz: Nathan Smith, Joseph Curtis, Wm. Elliott, John P. Dunn, Pinckney James, John Depauw, Henry W. Hackett, Joel Vandeveer, Samuel Chamber, R. W. Thompson, Vincent Williams, Noah Boon, Milton Stapp, J. G. Marshall, Wm. M. Dunn, Harvey Wallace, Robert Strain, Ben-

[1] Indianapolis *Indiana Journal,* January 21, 1837.

jamin F. Reeve, Wm. P. Rush, Wm. A. Porter, D. G. Mitchell, John Zenor, James Townsend, Daniel Sigler, J. W. Cunningham, Isaac Mahan, John S. Talbott, T. J. Evans, John Hamilton, Robert McIntire, Othniel Clark, T. I. Brown, John W. Odell, Enoch M'Carty, Rufus Haymond, Mark Crume, Caleb B. Smith, M. H. Wilder, Wm. H. Bennett, W. Watt, —— Ford, W. G. Armstrong, Solomon Davis, Wm. Casey, R. D. Owen, Smith Miller, Isaac Sands, Seth Leavenworth, I. L. Smith, Joseph P. Storm, H. S. Livingston, Andrew Wylie, Wm. M. Daily, Cornelius Perring, Samuel Brown, Joseph W. Briggs, Daniel Mace, John Dumont, Samuel A. Huff, Hezekiah Shook, Achilles Vawter, E. F. Pabody, H. P. Thornton, Jesse J. Burton, Eliphalet Kent, Hiram Matthews, Grant Stafford, Edward Gird, William Fowler, James Elder, Noah Noble, James Blake, N. West, Austin W. Morris, J. W. M'Kennon, M. M. Henkle, N. B. Palmer, Jas. M. Ray, Samuel Merrill, Thomas Dowling, William Wines, Wm. Marshall, Wm. T. Jones, C. C. Graham, I. B. Huckeby, George H. Proffitt, John Myers, James Breeze, John Riley, Henry Lee, Henry Ristine, Jno. Beard, James Thompson, Edwin Winship, Samuel Milroy, Albert G. Hanna, G. N. Fitch, W. N. Hood, Wm. Conner, A. H. Longley, N. Hardy, Edwin Fussell, Lewis Thomas, Thomas Bell, John H. Cook, Thos. D. Walpole, S. Hanna, Wm. Rockhill, John Burk, John Jackson, Thomas Gale, T. D. Baird, L. H. T. Maxson, G. A. Everts, Lewis Burns, John Hoobler, Simon Turman, Austin M. Puett, George K. Steele, Joseph A. Wright, Wm. Puett, John Vawter, J. C. Worrell, James Havens, Josiah L. Wines, Ludlow Nye, Joel Long, Augustus Eddy, —— Polke, Thos. R. Stanford, Ch. H. Test, B. Cole, B. McCarty, George Crawford, Thomas Nicholls, J. L. Williams, James G. May, J. B. Johnson, David Wallace, Paris C. Dunning, James Conwell, E. P. Farmer, G. W. Mears, I. L. Richmond, M. A. Jewett, I. V. L. Woods, Albert Posey, David Plummer, Isaac Blackford.

[Several resolutions were presented and referred to committees, on the subject of a State Lyceum, elementary books, and apparatus for schools, &c.; but as nothing definite was done on these sub-

jects by the Convention, it was not thought important to publish them.]

In the evening an address was delivered by Dr. WYLIE, on the subject of common education—after which the following resolutions were unanimously adopted, viz:[2]

Resolved, That a good common education has the highest claims upon our attention, inasmuch as it lays the surest foundation for civil liberty, social order and private happiness.

Resolved, That the thanks of this convention be presented to the Rev. Dr. A. Wylie, for his excellent address just delivered, and that a committee of five be appointed to wait on him, and respectfully request him to furnish a copy of his address for publication. Messrs. Bennett, Reeve, Mace, Cole, and Shook were appointed said committee.

A communication was presented from the Rev. Wm. Twining, on the subject of a newspaper devoted to the cause of education, which was committed to Messrs. Briggs, Dunning and Crawford.

Messrs. R. W. Thompson, Briggs, and Henkle, were appointed a committee to memorialize the General Assembly to defray the expenses of publishing Dr. Wylie's address.

The Convention adjourned to meet to-morrow at 2 o'clock, P. M.

WEDNESDAY, 2 o'clock, P. M.

The Convention met pursuant to adjournment.

The committee appointed to memorialize the Legislature on the subject of publishing Dr. Wylie's address, reported that the Senate has authorized the printing of 2000 copies for their own use and the use of the Convention.

The committee appointed to wait on Dr. Wylie, reported that they had obtained a copy for publication.

The committee of arrangements reported a list of resolutions, containing a sketch of a common school system of education. These resolutions having been discussed and adopted, were referred to Messrs. Dumont, James Thompson, Palmer, Wilder, & Dunn, to devise means for carrying the different propositions into effect.

[2] Wylie's address was of a general nature, citing the importance of a common school education.

Resolved, That the members of this convention will use all honest endeavors in our power, both by example, advice, and other means, to get good common schools established in our neighborhoods, having due regard in particular to the qualifications and characters of the teachers, always preferring the best that can be had, without regard to his prices for teaching; and if district schools are established in our neighborhoods, we will use our best exertions to have them carried on in the best manner we possibly can, having due regard to the law on that subject.

Resolved, That the ministers of the gospel in this State be respectfully requested to deliver addresses or sermons on the subject of education, on the 2d Sabbath of July next.

The Convention adjourned until to-morrow evening at 6 o'clock.

Thursday evening, the Convention met.

Resolved, That the secretary be directed to hand the copy of Dr. Wylie's address to the proper officer of the Senate for publication.

The committee to whom the previous resolutions on the subject of common schools were referred, presented a report embodying a memorial to the Legislature. On motion, the report was adopted, and the president and secretaries of the convention were directed to sign the memorial, and present it to the Legislature.[3]

Resolved, That a convention of the friends of education be appointed to be held in Indianapolis on the Tuesday preceding the first day of January, 1838; and Hon. Jesse L. Holman, Samuel Merrill, Esq., Rev. J. C. Smith, Robert D. Owen, Esq., Rev. James Thompson, Hon. Isaac Blackford, James W. Briggs, Esq., Jeremiah Sullivan, Esq., and Dr. J. L. Richmond were appointed a committee to make suitable arrangements for the meeting of said Convention.

Resolved, That the editors of the public journals of this State, be requested to devote a part of their columns to the object of a common school education.

The committee to whom was referred the communication of the Rev. Wm. Twining, on the subject of a periodical devoted

[3] The memorial is printed below.

to the cause of education, reported and recommended the paper called "The Common School Advocate," to the patronage of the members of the convention.[4] The report was adopted and a subscription paper circulated.

A circular, addressed to the people of the State, on the subject of education, was read to the convention, which was adopted and ordered to be printed.[5]

Resolved, That the thanks of this convention be given to the House of Representatives, for the use of their Hall, which has been so freely and kindly granted to the convention.

Resolved, That the several editors of newspapers in this State be requested to publish the proceedings of this convention in their several papers.

The Convention then adjourned, *sine die.*

N. NOBLE, *President*

WM. M. DUNN,
JAS. W. M'KENNAN, } *Secretaries.*

Education Convention, Circular to the People of Indiana[1]

[January 3, 1837]

FELLOW CITIZENS: It is with peculiar pleasure we embrace the present opportunity of addressing you on a subject, the importance of which is not called in question, even where that importance is not sufficiently realized.

The importance of general education—of the general diffusion of knowledge, among all classes of the community, is a point

[4] Twining, a graduate of Yale, was teaching in a private school in Madison at this time. He began publication of the *Common School Advocate,* "a monthly paper for the promotion and improvement of common school education," in January 1837, and continued to issue it throughout the year. Beginning in 1838 the paper was published at Cincinnati. Twining later became a professor at Wabash College. *History of Dearborn, Ohio and Switzerland Counties, Indiana* . . . (Chicago, 1885), 393-94; file of *Common School Advocate* in Indiana State Library.

[5] The Circular is printed below.

[1] *Common School Advocate* (Madison), 1:13 (February 1837).

upon which there is perhaps as much uniformity of opinion, as could reasonably be expected. Think not, therefore that in this address we suppose it necessary to use arguments to establish this position, as though you called its truth in question. From our own experience, however, we are taught that the mind is often susceptible of far more powerful impressions than it has already received, in relation to truths well known and fully admitted.—This we have found to be specially applicable to the subject of education. The more minutely and thoroughly the subject is examined, the more soul-stirring does it become. Who can think for a moment of the variety of ways in which the advantages of a good common education are exhibited, without feeling the subject increase in importance as the mind runs over this enumeration? Look at its influence, as seen in the healthy, well-proportioned and vigorous limbs, frame and constitution of the child or youth, whose physical education has received appropriate attention. It is equally visible in the strength, enlargement, well-balanced proportion, and vigor of the cultivated mind.

How far the influence of these two branches of education appropriately united in the same individual, contribute to the promotion of his own personal happiness—the happiness of the domestic circle—the interest of the social relations—of civil liberty—of political prosperity—and what is infinitely more important, man's eternal welfare—is a question not to be computed by numbers or expressed by language. Indeed, the extent of its influence is not even to be conceived of by the mind of man in his present state.

The *means* of acquiring this all important treasure, are to no inconsiderable extent made ready, or put within our power. The provisions made by the State Legislature, have effected much already towards reducing to a system, the business of educating the rising generation, and bringing to every man's door the opportunity of educating his children. And when this systematic provision is carried out to the perfection of the plan proposed—which is at present in a state of progression, and will, we doubt not, be speedily consummated—this, together with the individual and associated efforts of benevolent and patriotic citizens in a

more private way, will soon remove from among us all excuse for the want of a good common education. Indeed, the want of ability to secure for ourselves or our families this important object, is scarcely in an individual case, even now, a reasonable apology.

We wish to call your attention to what, in our opinion, constitute some of the *hindrances* to the rapid extension of common or general education in our State.

1. This subject is not spoken of privately—discussed publicly —and attended to personally by parents and others, as its importance demands. Hence the desire to amass wealth and the various schemes of speculation, are permitted to draw off the attention from this subject. The time is occupied in these schemes, until the heart becomes so deeply enlisted as to grudge the amount of time necessarily occupied in the education of the child, called off from some lucrative employment, and more especially to beget penuriousness in relation to the money expended in compensating the instructor. Apathy in relation to the real value of a good education, and a consequent disposition to give the preference to the cheapest workman in his business, has contributed much to what we consider another prominent hindrance to this good cause, viz:

2. The scarcity of well qualified teachers of common schools. The present rates of compensation will drive all men of ability and enterprise out of the profession, except where they continue from purely benevolent purposes.

Who does not see that young men of enterprise can find more lucrative employments in almost every branch of lawful business; and even more honorable too than is that of the common school teacher, in the estimation of many in the present day? These things ought not so to be. How shall they be remedied?—We feel somewhat stirred up on the subject, fellow-citizens, and have pledged ourselves to go home and try to set a better example in future, and we take the liberty of suggesting to you the importance of visiting often in person the schools in your neighborhood, or those especially which your children attend. Be particular in the selection of your teachers, always giving the preference to well qualified men, so that inducement may be thus afforded them to

qualify themselves.—Judge them not by their wages, and be careful of their reputation. Afford them all the countenance and encouragement in your power, for they are doing a great work.

We would further recommend to you the propriety of calling township or neighborhood meetings, for the purpose of discussing practical questions in relation to the business of education. It would very much promote the interest of this important object, if those who are capable of expressing their thoughts on paper, would exchange their views at large in our country newspapers, and call county conventions to exhibit written essays and other addresses and discussions, in relation to a variety of subjects and questions which may very suitably occupy the attention of such meetings—and appoint delegates to attend the next State Convention. These meetings will be calculated to elicit talent and excite general interest on the subject discussed. They will also enable the delegates to the next Convention to act more advisedly, or with a more accurate knowledge of the wants and wishes of the whole people.

Signed by order of the Convention.

N. Noble, *President*

Wm. M. Dunn, }
J. W. M'Kennan, } *Secretaries*

Education Convention, Memorial to the General Assembly[1]

[January 3, 1837]

The Convention of the friends of Common Education, assembled on the 3d day of January, 1837, recommend that the suggestions contained in the following resolutions, passed by this body, be incorporated in the "Bill incorporating Congressional Townships, and providing for Public Schools therein."

1. *Resolved,* That in the opinion of this Convention, a Board of Public Instruction should be elected by joint ballot of both

[1] *Common School Advocate* (Madison), 1:33-34 (May 1837).

Houses of the General Assembly, consisting of one member from each Judicial Circuit in the State, with such compensation for their services as the Legislature may deem sufficient; whose duty it shall be to superintend the general interests of common education within their respective districts: each member to appoint a board of examiners in the several counties belonging to his district, for the purpose of examining and licensing teachers of common schools, from whom he shall require an annual report of the condition of the schools in their several counties; and also that said board of public instruction shall meet annually, and oftener if in their opinion the interests of education require it, at the Capitol of the State, appoint a President and Secretary from their own body, and make to the Legislature a report of the condition of common schools and county seminaries throughout the State, and lay before the Legislature all facts in their possession, and such suggestions as they may deem important to the advancement of the general interests of education.

2. *Resolved,* That the report of the examiners of schools in the several counties shall embrace the following items, viz: The number of townships in the county; the number of districts in each township; the amount received by the townships; from what source, and how distributed; the number of children in each district between 5 and 21 years of age; the whole number of children who have attended school during the past year; the number of months a school has been taught in each district by male or female teachers; the amount of wages paid; and the amount of public money expended.

3. *Resolved,* That after a given time, no teacher, unless licensed as herein before directed, shall have the advantages provided by our statutes for the collection of debts due to him for teaching.

4. *Resolved,* That in the opinion of this Convention, the whole of the interest on our portion of the surplus revenue, should be devoted exclusively to education purposes; that one half should be distributed to the several townships in porportion to their population, for the support of district schools—and one half to be distributed by the board of education to county seminaries.

5. *Resolved,* That in the opinion of this Convention, each school district should be required to have a school at least four months in the year, taught by a teacher who has been examined and approved by the proper board of examiners as to his moral character, and his ability to teach reading, writing, English grammar, geography and arithmetic; and that no district should receive their portion of the public money unless they have had such school within the year next preceding the annual distribution of the school monies.

6. *Resolved,* That in the opinion of this Convention, the school money of the several townships should be apportioned to the several districts according to the number of children in each, between 5 and 20 years of age; and that each month in which a school has been kept in the year should receive its proportion of aid from this source, so that the public money shall assist those who are willing to bear a portion of the expense of the school themselves. Your memorialists beg leave to mention a few of the reasons that induce them to urge upon your consideration the changes in the school laws which they propose:

1. The school laws as they at present exist, you have by your own legislation declared to be inadequate to the accomplishment of the objects they propose to effect.

2. The system briefly sketched in the preceding resolutions, has been demonstrated by actual experiment to be the best ever tried; as it is in its leading principles, the one now in operation in the kingdom of Prussia, where common education is more generally diffused than in any other country in the world.

3. The expense of the proposed system would be comparatively trifling. The county examiners would, we presume, consider themselves sufficiently compensated for their services by being exempted from doing military duty, working upon the roads, and acting as jurors. And upon the supposition that the members of the Board of Public Instruction should receive each a salary of five hundred dollars; which is certainly a liberal allowance, there being in the State nine judicial circuits; consequently there would be nine members of the Board of Instruction—the aggregate of whose salaries would be four thousand five hundred dol-

lars—an amount which in comparison with the advantages that would result to the community from such an organization would be, in our opinion, but as a drop in the bucket.

4. As to the application of the interest of our portion of the surplus revenue to the support of common schools and county seminaries, we believe this to be the wisest policy our Legislature can pursue. These schools are necessary for the education of our future statesmen, our lawyers, our physicians, our divines, and our teachers.—Without them, ignorance, the fruitful mother of crime and poverty, will fill our State with her offspring. Is it not wiser policy to legislate for the prevention than the punishment of crime?

We admire the magnificent system of Internal Improvements upon which our State has entered with so much spirit. We honor the wisdom of the projectors and the supporters of this system; but at the same time we believe the future glory of our youthful State will depend more upon the intelligence and morality of the people than their facilities of commerce; more upon the improvement of the minds and morals of our citizens than the improvement of our roads or the construction of our canals.

Finally, while so many States are directing their attention, and appropriating their money to the all important purposes of education, we trust that Indiana, ambitious of no second place in the Union, will not suffer her attention to be diverted from this object. With the fullest reliance, therefore, upon the wisdom of our enlightened Legislature, we leave to their consideration this subject—most dear to our hearts.[2]

And, as in duty bound, your memorialists will ever pray, &c.

Signed on behalf and by order of the Convention.

N. Noble, *President*

Wm. M. Dunn,
Jas. W. M'Kennan, } *Secretaries*

[2] The Senate committee on education to whom the memorial was referred reported on January 17 that most of the recommendations of the Education Convention had been incorporated in amendments to the education bill then under consideration. However, when the bill came

Noble to the Senate[1]

[January 12, 1837]

Sir— The late survey for rail roads and turnpikes committed to the charge of the Governor, having involved the expenditure of a large sum of money, the accounts for which are liable to be mislaid or lost, I request that the Senate will direct a committee to see if the money is correctly accounted for.[2]

Respectfully,

N. Noble

Noble to the President of the Senate, Nomination for Supreme Court[1]

Executive Department, Indianapolis, 14th Jan., 1837

To the President of the Senate:

Sir—Soon after the close of the last session of the legislature, the Hon. Stephen C. Stevens resigned his seat upon the supreme

before the committee of the whole house, the provision for a state board of public instruction was stricken out, thus leaving the administration of the schools completely decentralized.

The Senate bill had been drafted by John Dumont who had been appointed by the Governor to codify the laws relating to Congressional township schools. The act passed by this Assembly was for the most part his revision of the laws then in force. The Convention's recommendation that the interest received on the surplus revenue should go to the district schools and county seminaries was only partially embraced in the new law. *Senate Journal,* 1836-37, pp. 181-85, 377, 413-15. *Laws of Indiana,* 1836-37 (general), pp. 15-51.

[1] *Senate Journal,* 1836-37, p. 328.

[2] The select committee to whom this communication was referred reported on February 2 that they had examined the records and found that the Governor had received of the Canal Fund commissioners $22,653.50; and an additional $556.56 from the sale of state property and premium on Eastern checks, making a total of $23,210.06. The Governor produced vouchers showing that he had expended or refunded to the Canal Fund commissioners the total sum which he had received. *Ibid.,* 551. Many of the vouchers are in the Noble Papers in the Indiana State Library.

[1] *Senate Journal,* 1836-37, p. 351.

bench, and the vacancy was filled by the appointment of Charles Dewey, Esq., whose name is now submitted for the confirmation of the Senate, for the same office.[2]

Respectfully,

N. Noble

Noble to the President of the Senate, Nomination for Board of Internal Improvement[1]

Executive Department,

Indianapolis, Jan. 21, 1837

Sir—The names of Daniel Yandes is offered for the advice and consent of the Senate, to fill the vacancy in the Board of Internal Improvement, occasioned by the resignation of David Burr.[2]

Respectfully N. Noble

Jonathan McCarty to Noble[1]

Confidential Washington City Jany 22d 1837

Dear Sir From what I learn from Indiana in various ways since the late senatorial election I have but little doubt but the new senator[2] will lean if not go over altogether to the new ad-

2 Dewey's appointment was confirmed. *Senate Journal* 1836-37, pp. 351-52.

1 *Ibid.,* 416.

2 Yandes' nomination was confirmed on January 23 by a vote of 26 to 21. *Ibid.,* 1836-37, pp. 429-30. Burr had resigned because of a defalcation; after he was able to account for some of the money, his friends offered to try to get him reinstated. Noble consented to nominate him if the request was made in writing. Burr, however, asked that his friends not attempt to return him to the Board so long as he was unable to make a full payment of the debt. Indianapolis *Indiana Journal,* February 18, 1837. The *Journal* added that it was understood that the balance still remaining against Burr was so well secured, that his securities should have no difficulties.

1 ALS. ISL: Indiana Division, Noble Papers.

2 Oliver H. Smith.

ministration and that his pupil C B[3] will follow. Amos[4] I learn is to be arrayed against you and myself including Wallace. Certain men in the east of pretended Whig principles are to go for the Van governor and Lt governor and the Van men are to go for C B for congress or for R[5] but I think C B. S. is the man the state you will discover is to be scoured next summer under pretence of giving a certain gentlemen the means of defending his opinions &c &c but ostensibly & eviden[t]ly for the purpose of officiating upon the gubernatorial election this is doubtless a part of the consideration for which the Van vote was given to Mr. S. he and as many of his friends as he can cary with him will in my opinion go for the Van ticket under pretence and that will be made the point of attack—*the actual* [?] *party down with the Indianapolis faction* and I and Wallace will be by these aspirants identified with this party—you will see this and [will] be atempted I anticipated this when I left home so far as you and Smith were concerned and apprised Judge Burnet & Gen. ———— of the danger of such a result with a hope that they might through some confidential friend avert it. I have by a Van leader now here from Wayne that the Van men in my district will not run a candidate unless by a division of the other side they can with certainty elect Gen Long[6] and that they intend to unite and throw their strength to a whig with an understanding he is to give them a full support this is the way they say they defeated you and they intend to put me down

[3] Caleb B. Smith, representative from Fayette County. He served as a Whig representative in Congress from 1843 to 1849.

[4] Amos Lane.

[5] Perhaps James Rariden who defeated McCarty for Congress in the next election and served from 1837 to 1841. Upon his election the Indianapolis *Indiana Democrat,* Louisville *Public Advertiser,* and other Van Buren papers claimed Rariden as a Van Buren man. The Indianapolis *Indiana Journal* hotly denied this, declaring the Whigs in this district were in such majority that the Democratic candidate had very early in the campaign abandoned the contest as hopeless. "The Whigs," said the *Journal,* "had confidence both in Gen. McCarty and Mr. Rariden, and the contest was decided between them on local and personal grounds." Issue of August 26, 1837.

[6] Perhaps Elisha Long, member of the Board of Internal Improvement.

in the same way and you will find this game played off as certain as the sun rises in the east I am the object now of certain mens vengeance Mercer & Ca [Caleb] are the grate actors in the play Crume[7] is to be run for Lt Governor to get me out of Cales way and if necessary either to run Long or have no Van candidate to give an opportunity for the Van men to fall upon Cale or to drive the other side to the odious expedient of a caucus which they know removes me out of the way or in other words render my defeat certain for they do not believe I could get the nomination Now it is in your power in conjunction with our mutual friend Mr Merrill[8] to defeat this whole plan for if the friend Quakers in Wayne are withdrawn from these two men there influence is gone prostrate for ever for withdraw that and all their other friends leave them as matter of natural consequence this may be done by yourself and Merril by apprising Achilleas Williams & Robt Morrison[9] of the game to be played and convincing them [of] the fact & the consequence that must result unless these schemes are blown up for my own part I care but little for any office or place whatever I am tired of public life but I do not wish to retier with the denunciations that have recently been poured out upon me besides I do not wish to see such loose plots as I know are in arrangement succeed My own opinion is the political destiny of our state for the next ten years at least depends upon the result of the plots of these men above alluded to may I not therefore earnestly urge the propriety of an effort by your self and Mr Merril to arrest it I know these two gentlemen at Richmond have unbounded confidence in Mr Merril It has been hinted that Mr Williams desires to be a candidate himself I do not think he could succeed at this time his chance would be better two years to come when the plots of these men the S's[?] are discovered & their influence [MS illeg.] & for myself I will not two years to come be in the field I have made these

[7] Marks Crume, who was appointed receiver of the Crawfordsville Land Office in 1838.

[8] Samuel Merrill.

[9] Achilles Williams was president of the Richmond Branch of the State Bank, and Robert Morrison was one of the principal stockholders.

suggestions for your own benefit as well as my own and above all to avert if posible the machinations designs & plots of those who I verialy believe are prepared to do any thing or make any sacrifice to promote their own arbitrary views I have written in some haste and under some excitement but I hope you will look over any errors as well of judgment as discretion or other wise

I have written several letters to you but have recd no answer have supposed they may have been suppressed as doutless half my letters are for I receive but few that are not broken open. I inclose this to a friend not a polatician to avert this get your letters to me directed in the hand writing of some one unknown to the post master of your place

Your friend

N Noble J McCarty

Jonathan McCarty to Noble[1]

Confidential House of Representatives Washington

Jany 23d 1837

Dear Sir I reced yours of the 13th instant this morning I called upon Mr Peyton who informed me he had not reced your letter nor the paper refered to the committee is sitting and will request depositions at your place I have given them the names of Gen Hanna & W Sheets on our side and Judge Wick on the other as comrs to see to the takeing of depositions Mr West will be examined Peyton and Wise will corrispond with you upon this subject in a private capacity if you prefer you will not be known unless you wish it tho I do not see any impropriety of secrecy myself There is more corruption in the department here and extending throughout the country among those in the confidence of the managers of matters here than ever existed in this or any other government so far as money matters & speculation & peculation is concerned—[2] I wrote you a day or so ago about

[1] ALS. ISL: Indiana Division, Noble Papers.

[2] The affair alluded to here by McCarty concerned the attempted investigation by the U. S. House committee into the conduct of Reuben

matters & things generally by which you will see the course I conceive things are in a train to take—the *Van men* here claim Olliver and when he comes they are prepared to seize upon him—perhaps Mr Clay may hold him I will put him upon his guard—I have no doubt but (Calleb B) will be the man the Van B men intend to take this is mutch more dangerous to our friends than that by a devission of our friends a Van man will be elected I

M. Whitney. Whitney, sometimes erroneously described as a member of Jackson's Kitchen Cabinet, served in Washington as agent for various banks used by the Treasury Department as banks of deposit for Federal funds, often called "pet banks." It was asserted that Whitney had received handsome compensation for his services to some of the banks. The investigation originated with two ardent Whig Congressmen, Henry Wise of Virginia and Balie Peyton of Tennessee.

Whitney had been the target of anti-Administration elements for several months. The editor of the Connersville *Watchman,* on July 2, 1836, wrote: "The infamous Treasury and Pet Bank tool is the cause of no little noise in the land. We have held him up before, and pointed attention to him as the holder of the purse strings of the Nation and Commander in Chief of Martin Van Buren's electioneering forces. From present indications, Van Buren is beginning to find it a somewhat more troublesome piece of business, to convert all the Deposit Banks into Electioneering Ships for him and draw the black mantle of concealment over the nefarious transaction." The editor then urged the people to find out under what clause of the Constitution or what statute the Whitney agency operated.

The Indiana Senate ordered an investigation of the relations existing between the State Bank and its branches and the Treasury Department and the agent Whitney, if any. The committee report showed by testimony of the bank president, Samuel Merrill, that the Indiana bank had never employed Whitney as its agent, that various circulars had been forwarded by Whitney to the cashier of the bank, James M. Ray, and that there had been some communication between Ray and Whitney concerning deposits. It also showed that Nathaniel West (the Mr. West referred to by McCarty) had suggested to Merrill that the employment of Whitney as an agent to work in behalf of the interest of the Indiana bank might be advantageous, and also that West, on a visit to Washington, had conferred with the Secretary of the Treasury at the request of Merrill concerning the business between the bank and the Treasury. *Senate Journal,* 1836-37, pp. 603-68. See also Indianapolis *Indiana Journal,* January 18, 1837.

Actually the Congressional investigation of Whitney by the hot-headed Whigs was intended primarily as an attack on the retiring and ailing President Jackson. It accomplished nothing and ended in farce. For an account see Bowers, *Party Battles of the Jackson Period,* 457-61.

can not be mistaken in the view I sudgested to you in my note a few days since—I care but little about a seat here the halls of Representatives have but few charms to me but I think I have a right to expect the support of the friends of Gen Harrison and from the treatment I have reced I at present think it my duty to run again as well to my self as friends and if I continue in this opinion 30 days from this time I shall take the field and if so I will not leave it for no man nor under no circumstance for a backout would be to me as fatal as defeat Write me soon

Yours very respectfully

J McCarty

His Excelency N Noble

Balie Peyton to Noble[1]

Washington City Jany 25th 1837

Dear Sir Incouraged by your letter to Genrl. McCarty, some parts of which he read to me,[2] I have taken the liberty of writing you a hasty note from the comm. room. We have the famous *Reubin* up to day. What course he will take is yet unknown, tho he will stand mute, & refuse to answer as he has heretofore done I suppose. He rests his refusal upon the ground that he is a *private citizen*.[3] My object in writing to you, is to request that you will procure from any person who may know the facts, written statements, verified by oath that Whitney has written such letters as you allude to in your letter to Genrl. McCarty. That he has written in the name of the Sect. or spoke as by his authority—threatning the Banks, for failing to give him his salery, or any other threats by him made, upon any other subject. This testimony will of course be [MS illeg.] but we have not time to await your answers, & then give notice to take testimony. We have

[1] ALS. ISL: Indiana Division, Noble Papers.

[2] No copy of Noble's letter to McCarty has been found, unfortunately. It would seem that Noble had joined the Whigs in their effort at a bitter personal attack on Jackson and his Administration.

[3] Whitney, in the course of the investigation of his conduct, was cited for contempt and arraigned by the whole House.

commissioners appointed at Springfield[4] in your state to take depositions, but they will be confined to the examination of such witness as are named specially, or fall under the head of presidents, directors, & cashiers of deposit banks.

Any thing from you calculated to elicit the conduct of this agent of the Banks, R. M. Whitney, will be doing an act of public duty, & unveiling a *public robber,* if all we heare be true.

I am, Sir, with sincere regard I am your very obdt sevt.

BALIE PEYTON

HIS EXCELENCY GOVERNOR NOBLE

P. S. I give below the names of comm. at Springfield—M L. Knapp L. S. Logan J. B. Thomas

Committee Report on Remission of Fines and Forfeitures[1]

[Senate Chamber, January 28, 1837]

The committee on education to which was referred the papers, called for by a resolution of the Senate, on which the Executive has authorized a remission of fines and forfeitures, now report,

[4] Perhaps the zealous Peyton was confusing Indiana and Illinois at this point.

[1] *Senate Journal,* 1836-37, pp. 489-91. The Secretary of State was requested by the Senate to submit a list of names of persons who had had fines or forfeitures remitted and the amount so remitted for the last five years, with the names of the counties in which the persons involved resided. The Secretary of State replied he could not in the time allowed list all the persons who had had fines or forfeitures remitted within the last five years, but he did send to the Senate the original recommendations for various remissions "arranged and numbered in the order they were respectively acted upon." These were in turn referred to the committee on education which made the above report to the Senate. *Ibid.,* 1836-37, pp. 72, 188. The committee on education was concerned because fines collected for convictions of certain crimes, misdemeanors, and breaches of the peace were to be paid into the seminary funds.

At this same session, in response to a Senate resolution, the Secretary of State also made a report listing the names of twenty-seven convicts who had been pardoned by Governor Noble during the years 1834, 1835, and 1836, the crimes for which they had been convicted, and the dates of their pardon. Two had been convicted of murder, 3 of manslaughter, 3

That they have examined all the papers submitted to their care and inspection under a resolution of the Senate; and, while the committee are disposed to admit, that the constitution of the State has wisely vested the sole power in the Executive of remitting fines and forfeitures, and of granting reprieves and pardons; and although the committee admit that the Legislature cannot, and the committee believe the Legislature do not wish to divest the Executive of any of his constitutional prerogatives, by any legislative enactment. At the same time, it is believed, that the Executive would at all times, under our popular form of government, be disposed to take counsel of the immediate representatives of the people. Under this view of the subject, the committee are stongly inclined to believe that the examination of the papers submitted to the committee, will afford the Executive, at this, and all other times, when examined, an expression of public opinion, rather than the evidence of a wish on the part of the Legislature, to interfere with a co-ordinate branch of the Government. It affords the committee great pleasure in saying that, on examination of the papers for the five years last past, there is much to approve, and nothing to condemn, on the part of the Executive. It does appear on the examination of the papers, that the Executive has used his discretionary power in conformity with the genius and spirit of our free institutions. In many cases the remissions of fines and forfeitures, were at the instance of the Judges and Justices of the Peace who rendered the judgment or forfeiture of recognizance, or imposed fines in compliance with the penal statutes of the state. There are a number of other cases in which large petitions of the people have accompanied the prayer of the individual who asked for the Executive favor. And comparatively but few cases in which a fine or forfeiture to the State has been remitted by the executive, without a recommendation of the authority that imposed such fine or forfeiture,

of assault and battery (1 with intent to murder and 2 with intent to commit rape), 12 of larceny, 3 of burglary, 2 of perjury, and 2 of forgery. *Ibid.,* 99-100. Letters and petitions to the Governor regarding remissions and pardons are now in the Secretary of State's file, Archives Division, Indiana State Library.

or accompanied by petition of the sovereign people calling for such remission. And here the committee will take the liberty to say that they do consider it highly creditable to the character of the State, that there are comparatively so few cases of an aggravated nature within the State—a state of some six or seven hundred thousand souls, your committee considers the number so very small, when spread over such an extensive tract of country, as to speak in the strongest possible terms favorable to the virtue and morals of the people of the State.

The committee are of opinion that an examination into the superstructure and machinery of our State Government, cannot fail to bring every friend within the limits of the State, who may critically examine the same, to admire that system of government under which they live, and cannot fail to secure for the State a high character in the estimation of the wise and the good everywhere, who may have a knowledge of the mildness of the laws of our adopted State. At the same time the observer cannot fail to see, that no infraction of the law will be overlooked by those who are intrusted with the administration of justice and the execution of the laws.

In order that the Senate and country may have a correct knowledge of the number of cases that have been presented to the Executive for the exercise of that clemency, with which the Executive is vested by the constitution. The committee have prepared in tabular form, a table exhibiting each and every class of cases found amongst the papers examined by the committee.

Table of Remissions of Fines by the Executive

The Nature of the Cases	1832	1833	1834	1835	1836	Total
Affrays	2	1	1	1	1	6
Adultery	1			3		4
Assault and Battery	7	7	7	16	8	46 [45]
Aiding and advising to fight			1			1
Abuse of apprentices			1			1

The Nature of the Cases	1832	1833	1834	1835	1836	Total	
Bastardy	1					1	
Breach of the peace		2		1		3	
Betting on elections &c.			1		1	2	
Burglary	1					1	
Contempt of court					2	2	
Drunkenness			1			1	
Forcible entry and detainer			1			1	
Fornication	1					1	
Felony and false swearing	1				1	2	
Failing to return marriage license		1	2			3	
Gambling	2	3	3	2	4	14	
Fighting				1		1	
Giving spirits to C. B. S.				1		1	
Ill treatment to schollars		1				1	
Larceny	1	1		1		3	
Militia fines	7	10	6	6	3	32	
Nuisance				1		1	
Obstructing highway and navigation		1		1		1	[2]
Obstructing legal process		1				1	
Official negligence			1		1	2	
Profane swearing	12	15	13	8	13	61	
Recognizance forfeited	9	11	9	17	15	61	
Retailing spirits without license	1					1	
Rioting		1	1	1		3	
Rape			1			1	
Robbery				1		1	
Selling spirits to Indians		1				1	
Stealing pigs				1		1	
Simple mahen [mayhem]				1		1	
Theft					1	1	

The Nature of the Cases	1832	1833	1834	1835	1836	Total
Unknown cases		1	1	1		3
Selling unsound provisions			1			1
Usury				1	1	2
Violating stray law		1	1			2
Voting twice at election					1	1
Total	46	58	52	65	52	[273]

Noble to the Speaker of the House, Veto Message[1]

Executive Department,

Indianapolis, February 1st, 1837.

Sir—I herewith return to the House of Representatives, "an act to incorporate the New Amsterdam Manufacturing Company."

The 14th section of the act makes it the duty of the company to keep a book for registering and transferring the stock, and imposes a fine of one hundred dollars on any officer who shall, during all reasonable business hours, refuse to exhibit it to the stockholders or creditors; the one half of which fine is to be applied to the support of common schools, and the other moiety for the benefit of the person giving information,—to be recovered by an action of debt in any court of competent jurisdiction.

My objections to this act are, that the provisions above recited are violary of the letter as well as the spirit of the Constitution of the State. The 3d section of the 9th article of that instrument, expressly declares, that all fines assessed for any breach of the penal laws, shall be applied to the support of county seminaries, in the counties where they shall be assessed; and therefore, the forfeiture of one hundred dollars, imposed by this section, cannot be diverted from the purposes of the Constitution, and transferred

[1] *House Journal,* 1836-37, pp. 444-45.

to the benefit of common schools, and of individuals, without a manifest disregard of the provisions of the article alluded to.[2]

Respectfully,

N. Noble

The Hon. C. B. Smith, Speaker of the House of Representatives,

Lewis Burnes to Noble[1]

Representatives Chamber Indianapolis Feby. 4th [1837]

To his Excellency Noah Noble Governor of the State of Indiana

Sir I will now take the liberty to in form you that I have been in formed that many Designing persons have been Endeavouring to poison your mind against A certain Bill passed at the present session of the General Assembly entitled an act Declaring A Certain County Road A state road and appropriating A part of the 3 per cent fund belonging to the county of Vermillion to improve the same this bill Sir I will take liberty to say is one of Great Merit and contains nothing more than was offered to the delegation from Vermillion County in the bill of last winter provided they would support that bill—Nothing Sir in my view is more just that the passage of this Bill & I doubt not that before you suffer yourself to be Poisoned against the provisions of this bill that you will enquire into its merits[2]

I have the honour to be Verry Respectfully Your obt. servant

Lewis Burnes

[2] A new bill was immediately introduced eliminating that portion of Section 14 that provided how the fines should be used. It passed both houses and was approved by the Governor on February 4. *Laws of Indiana,* 1836-37 (local), pp. 47-50.

[1] ALS. ISL: Indiana Division, Noble Papers.

[2] For further reference to this bill see the two letters immediately below.

The Secretary of the Senate to Noble[1]

SENATE CHAMBER IND. 4 Feb. 1837

TO HIS EXCEL. NOAH NOBLE—

SIR I am instructed by the Senate to inform the Governor that on motion of Mr. Morgan[2] the names of each Senator should be called, and that in their places they should answer whether they knew that the Bill of the House No. 342 entitled "An act declaring a certain County road a state road, and appropriating a part of the 3 per cent fund belonging to the county of Vermillion to improve the same" contained a provission appropriating to said road seventy five thousand dollars out of the Internal improvement fund, and each senator in his place answered that he had no knowledge that said provission was contained in said Bill—

Respectfully &c

CHARLES H TEST Sec. Sen.

Noble to the Speaker of the House, Veto Message[1]

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, Feb. 4, 1837.

SIR: Having been officially notified by the Senate, as well as by the Speaker and members of the House of Representatives, that the act presented to the Governor, entitled "an act declaring a certain county road, a state road, and appropriating a part of the three per cent. fund belonging to the county of Vermilion to improve the same," had passed without any knowledge on the part of either House of the latter clause, appropriating seventy-five thousand dollars of the Internal Improvement fund, I herewith return it without my signature.[2]

Respectfully,

N. NOBLE

TO THE SPEAKER, H. R.

1 ALS. ISL: Indiana Division, Noble Papers.
2 Amaziah Morgan.

1 *House Journal,* 1836-37, p. 486.
2 On the vote as to whether the veto should be overridden, the result was 31 against to 1 for.

Members of the General Assembly to Noble[1]

[February 5, 1837]

To His Excellency N. Noble Gov. of the State of Indiana

The undersigned members of the General Assembly represent to your Excellency that a bill has passed both branches of the General Assembly entitled "An act to incorporate the Peru, Mexico and Rochester turnpike company" the 24th Section of which contains a provision making it the duty of the Board of Internal Improvements to commence the central canal at Peru. The undersigned further represent that the said bill was read in both Houses by the title, and that neither House at the time of the passage of the said bill was aware that it contained such a provision, as they supposed it to be a mere act of incorporation. They therefore take this method of expressing to your Excellency their desire that you should withold your signature from said bill.

Indianapolis 5th Feby 1837[2]

Caleb B. Smith	John Beard
W. T. T. Jones	A. H. Longley
William Conner	William Rockhill
Andrew Kennedy	John S. Talbott
Edwin Winship	James Breeze
R. J. Hubbard	Isaac Mahan
Edward Gird	David Macy
Thos. Nichols	George K Steele
R. W. Thompson	John De Pauw
E. S. Trask	Thomas B. Brown
John Vawter	Thomas Dowling
Wm G. Armstrong	L H Maxson
O. L. Clark	H. P. Thornton

1 DS. ISL: Indiana Division, Noble Papers.

2 Noble did not sign the bill. See below, Hood to Noble, July 20, for a protest against the reasons given by Noble for his refusal to sign.

Caleb B. Smith to Noble[1]

CENTREVILLE 5th March, 1837

DEAR SIR Since my arrival at Court, at this place, I have learned that Judge McKinney has deceased, which creates a vacancy upon the Supreme Bench. It is thought by many of the *Bar* here, that Maj. Sullivan will probably be appointed to fill the vacancy. Should he be appointed I should be much gratified to recieve the appointment of Fund Commissioner.[2] Gen. McCarty has stated (upon what authority, I am unable to say,) that I had recieved that appointment and therefore would not be in the field for Congress, which has been communicated to our district from Washington. I was informed shortly after reaching home, by a friend of Maj. Sullivan's at Madison, that he did not expect to resign this season, and was consequently much surprised to hear from Washington that I had recieved the appointment.

Rariden, McCarty and myself are out for Congress and there is some talk about a Van Buren Candidate. I think my chance good. In the event of my declining I think the race would be between Rariden & McCarty in which event, McCarty would be likely to succeed.[3] I have been in two or three counties in Lane's district and I think there is no doubt but Geo. Dunn will beat him with ease.[4]

Will you take the trouble to inform me of the appointment to fill the vacancy upon the Supreme Bench? Please address me at Connersville, as I shall be at home in a few days.

Respectfully Your Friend

CALEB B. SMITH

[Addressed:] Gov. N. Noble Indianapolis Indiana

1 ALS. ISL: Indiana Division, Noble Papers.

2 John T. McKinney of Brookville. He served as Supreme Court judge from January 28, 1831, until his death March 4, 1837. Connersville *Watchman,* March 18, 1837; Indianapolis *Indiana Journal,* March 11, 1837. He was succeeded by Jeremiah Sullivan. Smith was appointed Fund Commissioner to succeed Sullivan. *Ibid.,* June 3, 1837. For Sullivan's election by the Senate, see below, 594n.

3 Rariden was successful in this contest.

4 Dunn was successful in this contest.

Noble: Proclamation Regarding Insurance Company[1]

[March 14, 1837]

WHEREAS, by the provisions of an act of the General Assembly of the State of Indiana, entitled "an act to incorporate the Indiana Mutual Fire Insurance company," it is provided, that said company shall not issue any policies of insurance until proclamation is made by the Governor, that applications have been made for insurance in said company on fifty thousand dollars.

Therefore, I, Noah Noble, Governor of the State of Indiana, do hereby make proclamation that by a notice signed by the President of said company, it is duly certified, that applications have been made for insurance in said company; exceeding one hundred and twenty-five thousand dollars; Therefore, know ye, that said company by the provisions of their charter, are now authorized to issue policies of insurance.[2]

In testimony, whereof, I have hereunto subscribed my name at Indianapolis, the 14th March, 1837.

N. NOBLE

By the Governor—
WM. J. BROWN, Sec. State.

Enoch D. John to Noble[1]

LAWRENCEBURGH 21st March 1837

DEAR SIR Yours of 12th is recd with enclosures.

I have another enquiry to make—who will succeed Eggleston (Davidson of Greensburgh will not do) cant you hold back

[1] Indianapolis *Indiana Journal*, March 18, 1837.

[2] The Mutual Fire Insurance Company was incorporated January 30, 1837, by James Blake, Oliver H. Smith, Samuel Merrill, John Law, George H. Dunn, James M. Ray, H. P. Thornton, and James Collins, Jr. Charles W. Cady, secretary, notified the Governor on March 13 that the company had complied with the provisions of its charter requisite to commencing business. *Laws of Indiana*, 1836-37 (local), pp. 124-30; Secretary of State file, Archives Division. There is an advertisement regarding the company in the Indianapolis *Indiana Journal*, March 4, 1837 ff.

[1] ALS. ISL: Indiana Division, Noble Papers.

(as Eggleston can serve as circuit Judge til our Spring Courts on this circuit close) until an expression of the general wish of the Bar & public is known.[2]

How would Milton Johnson of Brookville do. I have just returned from Brookville & understood from Tyner that Johnson he beleaved would accept again as friends of ours would like Johnson provided for he is popular at home & will unite all the Vanites in Franklin.

The People (the rabble & Demagogs) are in arms against taxation & our general Improvement Sistem[3] a change will &

[2] See 544n, below.

[3] Rumblings of discontent about the "great system" began to be heard about this time. The Indianapolis *Indiana Democrat,* on April 19, 1837, was all too anxious to attach the responsibility to Noble. Governor Ray, it said, had advocated improvements, and had been opposed by Noble and Wallace. Then the idea had become popular, and Noble had followed. "He is a timid, cautious, self-calculating, and selfish politician, originating nothing, recommending nothing useful, and hazarding not his own political prospects, until public opinion had fully settled itself." Excitement now prevailed over the state, the *Democrat* continued. Taxes were becoming burdensome. Such a condition might have been avoided by the executive who was "placed by the people to guard, keep, and protect their interests and that of the State. It is supposed and presumed, from his station, from his attention to public business, and from the information he has or ought to have, that he would and could advise and recommend a system of internal improvements, and a prudent economical plan, without ruining the people and the state." The *Democrat* opposed putting all the works under contract at once, declaring it was really a gigantic plan of bribery, by which money was scattered everywhere with political intent. The *Democrat* even went so far as to describe it as a bold electioneering attempt made by Noble who still had his eyes on the United States Senate.

A few days before this tirade in the *Democrat,* the *Journal* (on April 15) was urging Indiana citizens to take a rational and enlightened view of the whole matter. It admitted that a policy of *classification* might have been sound, but doubted the practicability of it now. "Would not a resort of that kind, at this time, endanger the whole system? We all know that when public benefits are to be confered or expected to be so, they ought to be equalized as far as possible, in order that they may be well sustained by public opinion." This same issue accused the *Democrat* of rejoicing "to see the state of Indiana lose money which has been borrowed for internal improvement purposes, in order to bring odium on the Governor and Fund Commissioners. . . ."

A writer in this same paper who signed himself "E", argued against "classification" as it would tend to throw all the work and money in one section of the state causing the price of labor to rise. E concluded

Must take place or the whole System falls The Works Should be class'd & the Most important Shoved ahead & others kept back. The enormous Expenditures on the Madison Rail Road is odious to all but those interested that work should be stoped or its rout changed or it will break down the System & with it those who originated & are sustaining it. G H D will have hard work to beet Lane.[4] Buell in all probability will be in the next senate.[5]

Have just learned our Rail Road Bonds are cashed at 98½— that will do—let me hear from you

Yours truly

E D John

[Addressed:] Gov'r Noah Noble Indianapolis Indiana

Governor of Ohio to Noble[1]

Executive Office Ohio
March the 30th 1837

Sir I have this day appointed M T Williams of Cincinnati Ohio to act as our commr of this state in connection with such person as may be appointed commissioner on the part of Indiana to assertain the point on the Ohio River at which the boundary line between Ohio & Indiana commences and have named Monday the first day of May next as the time of their meeting.[2]

Enclosed you have a copy of the Resolution of the General Assembly of Ohio authorising the appointment.

I am with great respect your obt sevt

Joseph Vance

His Excellency N Noble Gov. of Indiana

[Endorsed:] Copy

". . . under the present mode, we can complete our works in less time; we will make them for less money; and we distribute the benefits more equally to all the citizens of the State, than we could were we to construct our works under a system of classification."

4 George H. Dunn and Amos Lane. See above, 540, and note 4.

5 Probably George P. Buell, of Dearborn County, a son-in-law of Amos Lane. He was elected to the State Senate, but not until 1843.

1 Copy in Governors' Papers, Ohio Historical Society, Columbus.

2 See above, 494-95n, for the appointment of the Indiana commissioner.

Jeremiah Sullivan to Noble[1]

MADISON March 30th 1837

DR. SIR Yours of the 25th inst was recd. on Tuesday evening last, but too late to answer it by return mail. I presume you have received from Messrs Stevens, Cushing Robinson, Eggleston, Cravens and others, letters approving of the appointment of J. G. Marshall[2] to the expected vacancy on the Cir: court bench. Every lawyer that I have heard speak on the subject, wd. approve the appointment. I do not know what the members of the Brookville[3] bar wish, but I presume they wd. be pleased with Marshalls appt.

In yr. letter you say you wish to know when our court will end.—It will terminate on the 8th of April. The Court is now sitting & I think will continue until about the 8th. Eggleston is now here. I have conversed with him *freely* about his appointment, and altho' he expresses a willingness to continue on the Circuit Bench during the whole circuit, yet I believe he wd. prefer going off at the close of the court at this place.[4] Important cases on the circuit, that wd. likely be carried to the supreme court, he wd. not be very willing to decide, and if he did decide them, he could not counsel with the members of the Supreme Court, if carried there. Judge Eggleston however is willing, as I before stated to serve during the circuit, if you think it best. He sug-

[1] ALS. ISL: Indiana Division, Noble Papers.

[2] Joseph G. Marshall, who had served as probate judge of Jefferson County from 1830 until his resignation in 1834. *Executive Proceedings, 1816-1836,* pp. 479, 481. He served as representative in the General Assembly in the following sessions: 1834-35, 1836-37, 1837-38, 1838-39, and 1841-42. He did not serve as president judge.

[3] The Third Judicial Circuit included Ripley, Jennings, Jefferson, Switzerland, Dearborn, Franklin, and Decatur counties.

[4] Miles C. Eggleston had become president judge of the Third Circuit in 1820 and continued in that office until 1844. Leander J. Monks, Logan Esarey, and Ernest V. Shockley (eds.), *Courts and Lawyers of Indiana* (3 vols. Indianapolis, 1916), 1:76. When Stephen C. Stevens had resigned from the Supreme Court on February 15, 1836 (see above), he had recommended Eggleston as his successor. Charles Dewey was appointed instead. Now when another vacancy occurred at the death of John T. McKinney, Eggleston's appointment apparently was again considered. However, the appointment went to Jeremiah Sullivan. See above, 540.

gested to me however, to day, that if you thought proper to send him an appointment to this place to take date on the 8th April, and his successor's on the same day, or day following, it would enable the courts to go on, and no inconveniences to the public arise from it.

Please think of it, and do as you think best. I have no hesitation in recommending that course to be pursued, so thinks Judge Stevens. I hope you will conclude to appoint Marshall. I am confident the appointment wd. be very popular, & wd. be sustained by the Legislature.

Yours in haste

JER SULLIVAN

I do hope Marshall will receive the appointment as Judge 3d Cir.

JFD LANIER

[Addressed:] His Excellency Gov. Noble Indianapolis

Jonathan McCarty to Noble[1]

CONNERSVILLE April 10th 1837

DEAR SIR I recd this evening yours of the 25th ultimo. I forwarded before I left the city to your address the land bills you asked for, the Globe containing Blair's land advertisement could not be obtained. I endeavored to procure it myself and failed. I then got Green of the Telegraph to search he done so among his own files then went & searched the files of the Inteligencer and Sun & could not procure a copy. Mr. Dun[2] of Lawrenceburgh desired also a copy but none could be had Mr. Green told me when the advertisement appeared he attacted it and soon after every coppy in the country disappeared.

The blue book I could not get there was none I believe published for this year I have one of my own I do not recollect the date I will let you know will visit Indianapolis ere long and bring it I wrote back after I left the city to my friend

[1] ALS. ISL: Indiana Division, Noble Papers.
[2] George H. Dunn.

Harrison of Missouri[3] who was still at Washington to procure one he tried and writes me under date of the 28th ult he could find none, upon the subject of the public officers & members of congress speculating in lands I believe the investigating committees have not uprooted a specified case tho it is well understood and not denied that such is the case.

I will name some who is well understood to be among the members tho as they are (the members) on terms of friendship with me I do not wish my name used for any purpose you desire this information. I mean Dr Southerland of Pa Gen Thompson of Ohio Mr Page of N York Mr May of Ill and Mr Senator Walker of Mississippi members & John King of Pa & Ingersol of conn ex members and it is pretty well understood all the land officers or nearly so Col Spencer[4] we have proof and Mr Ellsworth[5] of the Pattent office Washington deeply, I do not think Col May[6] has had any accommodation in the banks of deposit however Mr Kinnard[7] had in his life time I know in refferance to my towns man & his letter he is mistaken and misrepresents me I never wrote a letter to any one in the district of the character you mention, I recd about the time or shortly after I recd your letter upon this subject a letter from Wayne Co containing about the same in substance of yours and further that this man was off the tract & would not run one of my colleagues by some means had obtained the same information supposing this matter was public and that he had already obtained the appt. I mentioned that I supposed it to be so as I had recd information of the fact in several ways about this time Olliver[8] came on and seemed some what nettled at the information wrote as I after wards learned from him to Cale[9] and recd in reply a

[3] Albert G. Harrison, representative from Missouri.

[4] Col. John Spencer, receiver of public moneys in Fort Wayne Land Office.

[5] Henry L. Ellsworth.

[6] Col. William L. May, representative from Illinois, and formerly receiver in Springfield Land Office.

[7] George L. Kinnard, representative from Indiana, who had died on November 26, 1836.

[8] Oliver H. Smith, senator from Indiana.

[9] Caleb Blood Smith.

denial this is the way Cale got his information and not by any thing written by me.

In refference to my own election I am not yet a candidate I am aware of the rumor of the interest you mention tho I think I can ride over it but I think I have a right to complain of the treatment I am warned I am to receive from those to whom *victory has been given* and it may be that I may find it prudent and due to myself and *real friends* to *remain quiet* and let those who have neither hart nor magnanimity enough to appreciate pure and disinterested motives and actions, fight their own battles. I think notwithstanding the vote of last fall here if I have the field the result will still be doubtful & if a popular and unexceptionable *Van* man is put upon the tract he will succeed for their will be if I decline two or three more immediately out[10] but enough of this

Yours very respectfully

J McCarty

His Excellency N Noble

Stephen C. Stevens to Noble[1]

Wilmington 29 April 1837

At the request of Judge Eggleston, Maj. Sullivan Mr. Marshall & others I say to you, if it is your will to do so, you may appoint me to the vacancy on the Supreme Bench.[2]

It was my wish for Sullivan to take it but he declines— On my arrival here I was informed that a recommendation had gone on for Marshall, but he informs me that he will not take it, & that he has written in my favour.

I had no wish or expectation of the appointment. With these remarks the case is left to you to dispose of.

. . . . . .

Respectfully

S. C. Stevens

Gov. Noble

[10] McCarty did run for Congress again this year but was defeated by Rariden. See above, McCarty to Noble, January 22, 1837, and notes.

[1] ALS. ISL: Indiana Division, Noble Papers.

[2] Occasioned by the death of John T. McKinney. See above, 540, 544.

Samuel Hanna to Noble[1]

FORT WAYNE May 14th 1837

DR SIR Yours of the 8th Instant is received in relation to a Draft on me from Col Stansbury for two Hundred and twenty two dollars. I will pay it you can retain it if you chose or send it to me at your pleasure.

I have antisipated difficulty from the first in carrying on so many works at the same time and yet there is a grat difficulty now as at the commencement in classifying or droping a portion of them or suspending operation on a part untill the rest is compleeted, and as you intimate a still greater difficulty may occur on account of the want of funds to compleet any part of them, this latter could not have been foreseen or reasonably expected but a Total Suspention of all of the works appears now to me at least to be probable, which if it should occur would be a great calamity.[2]

Respectfully yor obt svt

SAML HANNA

[Addressed:] His Excellency N Noble Indianapolis Indiana

[1] ALS. ISL: Indiana Division, Noble Papers.

[2] The growing opposition to the "system" raised its voice in a "classification convention" attended by some thirty individuals, which assembled in Indianapolis on May 29 and 30. Reporting the convention, the Indianapolis *Indiana Journal* stated that resolutions were adopted "prescribing the duties of the Legislature and the Board of Internal Improvement, and censuring the conduct of the Legislature which passed the internal improvement bill; several strong nullifying speeches were made; and a committee, consisting of three avowed enemies to the whole system of internal improvements, was appointed to enlighten the people in reference to the dangers and horrible ruin which must attend the construction of canals, rail roads, and turnpike roads, so that the people of the interior counties may have an outlet for their produce." Thomas J. Henley of Clark County was chairman of the convention. Also attending were Joseph C. Eggleston of Switzerland County and James H. Cravens of Ripley County. Some in attendance did not endorse the proceedings adopted, among them John B. Dillon of Cass County who withdrew in protest.

Carey A. Harris to Noble[1]

War Department Office Indian Affairs

May 17, 1837

Sir This Department holds for the benefit of Indians, a number of the bonds of the State of Indiana. I have the honor to inform you that, in future, as the Interest thereon falls due, it can only be received in gold or silver or its equivalent at the place where it is payable.

Very Respectfully Yr. Mo. Obt. St.

C. A. Harris Com.

His Excellency N. Noble Indianapolis Ind.

Calvin Fletcher: Proceedings of Board of Directors of State Bank[1]

[May 17-19, 1837]

May 17. . . . went to the Bank Boa[r]d of State Directors which meets today. . . . We all met with feelings of no ordinary concern for the institution over which we were placed—News of the failure of a deposite Bank at Buffalo—other deposit Banks at the South Mississippi & Ia— We were expecting others wd go by the board & our Bank has 12 hundred thousand dollars in these deposit Banks out of the State & others—& we have about that sum of govt deposits with transfer drafts to that amt already upon us— The daily news from the Eastern cities & from Europe wd indicate that the fountains of the great deep in the commercial world are about to break up— What are we to do is the enquiry from every one? . . .

May 18 Our board met today & are making regulations in relation to the transfer drafts of the U States & appointed a committee to locate a 12th branch & to investigate the subject of buying & building a house for the Bank & Sinking fund comr

[1] ALS. ISL: Indiana Division, Noble Papers.

[1] Calvin Fletcher Diary, Indiana Historical Society Library. The official proceedings are in the State Bank Papers, Archives Division.

We adjourned at 6 to meet at nine tomorrow morning All left the Bank room but Mr [James M.] Ray & myself when Mr Merrill Prest returned with his hands full of letters he had just recd by 2 messengers one from Lawrenceburg & one from the Madison branches stating all the Banks in the Eastern cities together with the Cincinnati banks had suspended payment—that in a few hours after the suspension in Cincinnati all the paper of our branches was bought up & sent by runners to Lawrenceburg & to the other branches—the former prudently shut its doors against all applicants & started messengers in 4 hours afterwards—the Madison paper also reached their branch but it had closed business for the day—both dispatched messengers &c

Our board were soon convened & by invitation the Governor & Treasurer Mr Palmer were with us— The question presented in a solemn manner by our President was what shall the Board do—Let our specie be drawn out by Banks that owe us when they have closed their doors? It was a solemn meeting Our Charter presents obstacles—& our contract with the Genl Govrt was to be violated if we suspended. . . . After a most solemn deliberation in which the Governor & Treasurer both took part we agreed to permit each branch to suspend if it thought best and messengers were dispatched to each branch.[2] This occurrance was [as] sudden as it was unexpected by most—I had feared this calamity for some time yet the shape it appeared was different from what I expected— An address was prepared for the branches[3] We adjourned at 10 o'clock at night

Friday 19 Our board met again this morning with some little doubts as to what had transpired the night before but on a review all were satisfied that the best had been done & flattered themselves that it was but a temporary suspension which wd not last but a few months at most[4]

[2] The New Albany branch had $70,000 withdrawn on Friday before the officers received the order that they could suspend payments. Fletcher Diary, May 24.

[3] The address is printed in the Indianapolis *Indiana Journal,* May 27, 1837. See also Merrill's report to the General Assembly in December, in the *Senate Journal,* 1837-38, pp. 59ff.

[4] See Governor Noble's message to the General Assembly regarding the State Bank and action taken by the Assembly, 588-91n.

A public meeting was held at 11 o'clock at the court house at which Dr Sanders presided—McGuire & Morrison (A F) were secys approving of the suspension of specie payts by our bank Also the merchants met & passed resolutions to the same effect & agreed to take the money of the Bank

Henry Clay to Noble[1]

ASHLAND 20th June 1837

(Confidential)

MY DEAR SIR

I am sure that you will agree with me in thinking that the unfortunate condition of our common country is such, at present, as to fill every patriotic bosom with the deepest solicitude and to animate to the greatest exertion to relieve it from its existing embarrassments. No time has ever occurred, within my knowledge, in which it was more evidently the duty of us all to repress individual aspiration or ambition and to dedicate our undivided energies to the rescue of the Country; the Constitution and the public Councils from the hands of those who have brought upon us our present difficulties and who are leading us rapidly to ruin.

Whether any effective remedy for the disorders which prevail will be provided or not depends very much upon the Constitution of the approaching H. of R. If the States which have now to elect members shall return the same number of Jackson or V Buren delegates that they had in the last Congress, there will be, I think, no prospect of adopting any beneficial measure. In that event, it will be argued by the Administration party, and with much plausibility, that the People approve the past, and cling, for the future, to the same men whose policy has produced the present state of things.

In Kentucky we have a fair prospect of reducing the 4 members of the Jackson party, who were in the last Congress to two, and perhaps one. Indeed there are some who are so sanguine as to

[1] ALS. ISL: Indiana Division, Noble Papers.

believe that we shall not elect one. For myself, I would compromise at two.

What are your prospects in Indiana? I hear, with regret, that in some of the Districts there is division among our friends, to such an extent as to endanger the result. Can nothing be done to heal it, and to prevent such an inauspicious event. Can not you, my dear sir, to whom the Whigs are already so much indebted, do something, in the way of conciliation and harmony, to encrease these obligations to you?

I am told particularly, that in the District lately represented by Genl. J. McCarty, if the existing divisions are not healed, a V. B. member will be returned.[2] Is it not possible to prevent that? Can not the strongest man of our party be run, and the others be prevailed upon to retire? Whatever personal wishes any of us might have, in respect to the Candidates, ought to be unhesitatingly sacrificed to the good of our Country, which should be paramount.

Of Genl McCarty, I will say, without knowing what may be your feelings towards him, that when he was first elected to Congress, I regretted it; but that for the two or three last sessions he has been a resolute, unflinching and highly useful opponent of the Administration. As he has ceased long since to be a Jackson man, we must suppose upon conviction and in all sincerity, good policy would point to his re-election, unless there be against it reasons of which I am unaware. If we discourage and discountenance Converts from the other party, we may long continue in the minority. Whilst uniform and consistant friends, who have been always faithful, ought not to be neglected, we should at the same time, in the spirit of our religion, hold out the hand of forgiveness and friendship to those erring men who sincerely repent and change. By doing so, we ultimately advance the interests of those very steadfast friends whom, for a moment, we may appear to overlook.

We have had great hopes of Indiana, arising out of the issue

[2] See above, 526-29. Whig candidates were elected in six of Indiana's Congressional districts in August, 1837. Ratliff Boon was the only Democrat elected.

of your last fall election. Do my dear sir write me soon and write me, if you can, that these hopes will be realized.

Your friend & obt. servt.

H. Clay

Gov'r Noble

William N. Hood to Noble[1]

Peru 20th July 1837

Dear Sir Yours of the 27th June 37 was duly recd. in which you advise me of the circumstances which induced you to withhold your signature from a Bill that passed through both branches of the Legislature, incorporating the Peru, Mexico & Rochester Turnpike Company.[2] That when the Bill was presented to you by the committee on Enrolled Bills you recd. an official note from the members of both Houses then present, saying that the bill contained a provision that had not been examined in the hurry of the closing scenes of the Session and therefore they desired you to withhold your signature. I have given this matter a close examination, and have laid the subject before many of my friends, and all concur with me in the opinion, that the reasons assigned are not true—viz. that the Bill was passed in the hurry of the closing scenes of the Session &c. by Reference to the Journals of the H of Reps you will see that the bill was introduced 20th Jany—26th Read 2nd time & refered to the standing committee on corporations Jany 28th reported back (3 days) read the 3d time & passed— You will also see by reference to the Senate Journals that the Bill was refered to the Committee on Roads, was two or three days before that committee—reported back without amendment & passed—Now does the reasons upon which your sanction to the Bill was withheld exist, or was the Bill passed in due Legislative form—and in committee you will find the members consisted of several of the members who addressed you the note—says Messrs Hanna of Madison, Wines of

1 ALS. ISL: Indiana Division, Noble Papers.

2 See above, 539.

Grant & Wabash—Rockhill of Allen Nichols &c members of the Standing Com'tee on corporations—

Allow me to call your attention to the facts as they appear on the Journals, and request that you give the matter a proper examination, and if you concur with me in the following viz:

That the Bill passed fairly through both Houses of the Legislature—& appropriate committees in each House—that it was pending 15 or 16 days &c

That the official note of the members refered to, does not contain the facts of the case as conclusively appears upon the Journals &c

That the Bill & Official note was presented to the Executive in the *hurry* of the *closing scenes* of the *Last Moments* of the *Session,* when there was not time to examine the matter.

That if members had objections to any part of the provisions contained in the Bill, they should have made them during the pendency of the Bill, before the House, or in committee—

That the Request made by members to the Executive in the note refered to, is predicated upon causes that do not exist, and that if members had objections—and did not make them—at a proper time—they neglected to do their duty as members and call upon Executive interference to remedy their neglect by withholding his signature—

That the precedent if once adopted by the Executive will be resorted to by all members in future as a sovereign remedy for their neglect of duty during the pendency of Bills—

That the provision of the constitution granting the Executive power to veto, or withhold a Bill is to be exercised only in *extraordinary cases*—And that the exercise of the power in trivial or ordinary cases—would be a violation of the Spirit and intent of the constitution and result (by frequent application) in destroying that respect so *necessary* to be maintained between the Executive & Legislative Branches of the government Many other reasons might be urged, but time & space will not allow

Permit me again to request that you give the Bill and all things connected with it an examination—and if you find that great

injustice has, and will be done to myself, & the people I had the honor to represent in the Last Legislature—by withholding your signature from the Bill—and continuing to withhold it or returning it to the Legislature at the next session for further action—that you before retiring from office—approve the Bill and make it public—or if you determine to return it to the next session—have the goodness to furnish me with a copy of the note from the members, with the names of the signers attached—with leave to publish it—I have procured the original Bill and intend publishing it with the acts of the Legislature thereon—as per Journals of Both Houses—and would be much gratified to have the privilege of publishing the reasons for executive interference—by which it was prevented from the force of Law—The whole matter being official I trust you will deem it proper to favour me with a copy of the note from the members with leave to publish &c I am in a fair way to beat the *classifying nullifying candidate* with U. S. Senator to back him—admonishing the people to put me down this year or they wont be able to do it next &c[3]

Truly your friend

W. N. Hood

His Excy N. Noble

William Graham to Noble[1]

Washington City 4th Sep 1837

Dear Sir I arrived here on Saturday night & found my certificate ready. I am told except in cases of contest, the certificates are scarcely ever called for. The House organized[2] &

[3] Hood was re-elected to the 1837-38 session of the legislature.

[1] ALS. ISL: Indiana Division, Noble Papers. Graham succeeded John Carr as representative from the Third Congressional District.

[2] On May 15, Van Buren had issued a proclamation calling a special session of Congress to convene on the first Monday in September. In printing the Proclamation the Indianapolis *Indiana Journal* editorialized: "We are pleased to find that the loud demands of the country, in the present trying condition, should have made such an impression at least

during the process Mr. Mercer of Virginia raised an objection to the legality of the election of the delegation from Mississippi. It seems they were elected on proclamation for the call-session, untill others can be elected to supply their places—when the comr of elections is appointed. Mr. Mercer intends to call the question up again.

Mr. Polk & Mr. Bell, were the persons run for Speaker, the vote stood for Polk 116 votes Bell 103 votes scattering 7 votes, if all the members had been present, it is believed Bell might perhaps have succeeded. At all events the Van Buren majority, in the house is very small, merely nominal. Mr. Franklin was reelected Clerk. Mr. White of Indiana has not yet arrived, he is said to be indisposed not able to travel.

What the Message will be has not leaked out, we shall hear to morow. I believe the most prudent course for the Whigs will be, to remain quiet untill they see what the Vanites will do, for the country.—they have brought about the mischief, and should be held responsible for the remedy— For the interest you have taken in our cause be pleased to accept my thanks. Your exertions in the cause of sound principles will not (I hope) be forgotten at the proper time.

It seems generally believed here, that Congress will adjourn this fall, in time to give members time to visit their families before the commencement of the regular session.

Verry respectfully your friend & obedient servant

W Graham

His Excellency Noah Noble

upon the mind of President Van Buren as to induce him to take the course which this official step indicates. Wedded to party and pledged as he is known to be in following the footsteps of his predecessor, little was to be looked forward other than an obstinate determination to aid in carrying out the experiment, in regard to the currency, which so many now deprecate. . . . The whole people are alike afflicted, and we would like to see a union of effort to avert, as much as possible, the calamitous effects of the present disastrous state of affairs." Issue of May 27, 1837.

Joseph G. Marshall to Noble[1]

Brownstown Sept. 8, 1837

N. Noble

Sir I find the Anti *Junto*[2] party as they call themselves are anxious to continue their efforts to beat next winter every man who has been in office at Indianapolis who is favourable to you with this view they will try the auditor.[3] I proscribe no man for opinions sake, but are we not permitting the Vanites with the aid of inconsiderate Whigs, to proscribe & thus punish the most talented fearless and independent among our own friends— If you think of the U S Senate you ought to look to this. Directly every man in office at Indianapolis will be men who are doing all in their power to prejudice the public mind against you

The friends of Palmer[4] are trying this game and I have almost concluded to go against him. Who could beat him? Could Mr. Sheets—If so ought he not to run? I had thought of writing to him on this Subject but I will not without your advise. If it is adviseable he ought to be about it soon. Beard Clark & Evans Thompson & Jones[5] ought to be consulted & set to work.

I wish I could get private boarding for my family at Indianapolis 3 in number. I feel so discontented there without them. If I could at a reasonable rate I would try & take them out, but I could not think of taking them to the tavern.

Write to me at Madison. This is confidential Your friend

J. G. Marshall

[1] ALS. ISL: Indiana Division, Noble Papers. Marshall was state representative from Jefferson County.

[2] For a reference to the Indianapolis junto, see above, 501n.

[3] Morris Morris. He was re-elected state auditor on December 11 by a large majority. *House Journal,* 1837-38, p. 67.

[4] Nathan B. Palmer, state treasurer. He was re-elected by the Assembly on December 11; the vote was 77 for Palmer, 61 for William Sheets, 6 scattered. *Ibid.*

[5] John Beard, senator from Montgomery County; Othniel L. Clark, senator from Tippecanoe County; Thomas J. Evans, representative from Fountain County; Richard W. Thompson, senator from Lawrence County; and perhaps William T. T. Jones, representative from Vanderburgh County.

John Ewing to Noble[1]

WASHINGTON Septr 18 '37

Private

DEAR SIR, I should have thanked you for your attention to the certificate but I awaited the full exibit to be made by the packed com'ee on Ways and Means, that I might have some matter other than conjecture and empty thanks—

All matters intended to be acted upon by the "party" are now before us—and nothing for the relief of the country!! I have no leisure to enter into details, and as you will have read the Message and Treasury report, that is not necessary. You will have observed also, that to stave off examination into the real causes of our embarrassments, no business can be acted upon during this session, but that presented as the cause of our meeting by the President. Propositions will be made in senate by Mr. Calhoun to change the system of the Party: and various plans, and propositions, will be made in this house but I anticipate defeat. Garland of Virga and Gov. Pope of Ky.[2] have each a proposition to make: and if not done by some other, I shall try to amend the bill suspending the payment of the fourth instalment of the surplus, so as to render it the duty of the secrety of Treasury to offer to such states as may notify him of a willingness to receive the same, checks on the late Deposit Banks for the sums severally due— this will save our institution (and many others, worthy of being saved) from the destruction intended by the pending commission of Bankruptcy.[3] The relief to the *merchants* of N. York is mainly

[1] ALS. ISL: Indiana Division, Noble Papers.

[2] James Garland, representative from Virginia; John Pope, representative from Kentucky.

[3] The reference is to the act to postpone until January 1, 1839, the distribution of the fourth installment of the surplus revenue scheduled to be made October 1. U. S. *Statutes at Large,* 5:201. The fourth installment was never paid. The first three installments had been made under an act of June 23, 1836 (*ibid.,* 5:52-57). The postponement was prompted by the financial panic of 1837. The Indianapolis *Indiana Journal,* October 7, 1837, immediately branded this action tyrannical and oppressive: "This was the only measure by which the west ever received back any of the vast amount drawn from her by the general government, and just at this moment when the country is most in need

with an eye to control the money; and the large appropriations made last congress were evidently for a like purpose.—If it be that "who sows the wind should reap the whirlwind" that the letter and spirit of the constitution, and not the mutable opinion of scheming, speculating partisans should guide our public concerns; that a distinct interest created for office holders not harmonizing with the peoples interest, is utterly incompatible with public prosperity now is the time, in my humble opinion, to call public meetings, throughout the union in every county of every state, and impart to the inert mass of honest men, who have little means of learning (and whose minds are too often poisoned by the popular cant, and vulgar proscription of designing partisans) the real state of the country and the true causes thereof. The jurisdiction of the people is the only wholesome guardian of liberty now left; and their intelligence, and patriotism, must cry aloud at the crisis, or mere *names* and constitutional *forms* apart, we shall I fear be rendered practically slaves. A falling party like this in power is desperate—and congress is not yet an epitome of the union. If this course be approved, let the people be prepared for consultation every where not for any party excitement—not by any controversial ribaldry but in the simple elegance of truth, a powerful appeal should be made to stimulate reflection, and lead to action in due time. I have in two or three letters made a similar suggestion the country is beset and the sovereignty of the people must be attended to. Glorious news is received from Maine A Whig Governor elected over the vanite *Parks*—late of this house: it is belived to be fact, and strikes home—I hope it is true. I sent you an instructive pamphlet some days ago. I think we shall adjourn early next month—if so I shall be at home

of it it is withdrawn. If the government could not make out with the large amount of treasury notes which is about to be issued, some of the various useless appropriations on the seaboard might have been withheld. The measure of withholding this money at this time operates with peculiar hardship upon this state. The banks are indebted to the government and could have made this payment to the State without embarrassment to them or to the people . . . any member from the west who has voted for [this measure] . . . has been a traitor to the interests of his constituents. . . ." All the Indiana delegation—senators and representatives—voted against the measure. *Ibid.*, October 14, 1837.

in Nov.—Will the man of the *"Democrat"* take warning without "reward" by the late rejection in this house, of the man of the *Globe* who has been rewarded for eight years?

I am interrupted—My respects to all friends, Very Respy Yrs

JNO. EWING

James F. D. Lanier to Noble[1]

MADISON Sept. 23 1837

SIR Please advise me if you are authorized to pay my fees in the Dearborn Salt Lick case as it is now finished so far as the circuit court is concerned. Stevens by contract with me will carry the case thru Supreme Court if it goes there.

Matters look rather dark at Washington, if they stop the pay't of the 4 instalment to the States and compel the deposite Banks to pay what they owe over the mountains, it will seem very hard on us of the West[2]

There seems to be a settled determination to break down the State Banks

Very respectfully

J. F. D. LANIER

[Addressed:] His Ex'y Noah Noble Indianapolis Ia

John Vawter to Noble[1]

VERNON 25th Sep 1837

SIR I am told that a Petition will be prepared, and presented to you to Commute the Sentence of Death passed last week on two Murderers now in our Jail it was a most wanton attack by 5 Corkomans on an unoffending Faredow all of Irish burth, 2 out of five have been taken and condemned, and so agravated has been the case that I am sure nether of the Judges would Join

[1] ALS. ISL: Indiana Division, Noble Papers.

[2] See above, 558n-59n.

[1] ALS. ISL: Indiana Division, Noble Papers.

in a petition of the Kind—one of the Judges told me that himself & Associate had decided they would not sign such a peti[ti]on. As it would look to much like contenanc[i]ng the vicious a[c]t. I write to apprise you & hope that for the protection of other un[of]fending Irish and for the peace and quiet of the labourers on the line of Public works you will think it meet to let those persons expiate their crime by the verdi[c]t of the Jury & Judgement of the court being executed on them.[2]

yours Respectfully

JOHN VAWTER

HIS EXCELLENCY NOAH NOBLE

George H. Dunn to Noble[1]

WASH Sept 29th 1837

DEAR SIR I have yours of the 21st I fear your hopes for the 4th installment are vain.[2] I was confident it could not pass this house until it was found how Mr. Calhoun was going & it is his strength that has carried it in this house. It passed to a 3d reading last nite 119 to 117. A close vote & it may possibly be changed. Pickens has now a motion pending to reconsider & the ayes are now calling I will give you the result before I close.

The Sub Treasury will have a hard struggle in the Senate.[3] Every body is surprised at Mr. Calhouns course, yet most are

[2] A riot had occurred among the Irish laborers employed in constructing the Madison and Indianapolis Railroad. It was estimated that out of about 1,700 Irish employed on the project, 300 were Corkonians and the remainder Fardowns. Michael Brennen and Martin Crotty had been convicted of murder and sentenced to hang. Noble commuted their sentence to life imprisonment on recommendation of the president and associate judges, a part of the jury, county officials, and a number of citizens of Jennings County. Indianapolis *Indiana Journal,* September 9, October 21, 1837; petitions for pardons and remission of fines, in Archives Division.

[1] ALS. ISL: Indiana Division, Noble Papers.

[2] See above, Ewing to Noble, September 18, 1837, and notes.

[3] The Administration bill providing for the organization of a subtreasury system for deposit of government funds failed to pass. Its rejection was regarded as a new lease on life to state banks. Indianapolis *Indiana Journal,* October 28, 1837.

disposed to believe he is impelled by honest motives. He contends that it will restrict Executive power that is in comparison with the late mode of doing business.

He has floating in his mind some sistem like this—an issue of Government paper to be divided among the States to be used as a genuine currency—the details not yet ascertained—

Vote just taken Stands Ayes 149 Noes 82

If the N York & other fall elections go as Maine did, the administration cant get along & we may have a decided majority in this house.

Several questions have been taken in amendment to this bill now under consideration but voted down We adjourn on the 9th

Yours truly

G H Dunn

The Bill has been amended making it a postponement until Jany 1839

The roll has again been taken on engrossment & Stands ayes 118—noes 106

[Addressed:] Gov Noble Indianapolis Indiana

William Graham to Noble[1]

House of Rep 7th of Oct. 1837

Dear Sir Your favor of the 29th came to hand. I imediately forwarded the Inclosed note to Mr Ritchey, as directed.

I have but little Congressional news the bill suspending the 4th Instalment is the only bill yet passed both houses. I detest the bill, but will admit it contains one redeeming provision. It prohibits the withdrawal of any part of the 3 Instalments, already paid, without the Consent of Congress. The bill authorizing the secretary of the treasury to issue ten milion of dollars in treasury notes, is now under debate.[2] It is considered as a part of the great sub treasury scheme, or treasury bank, for it is admited

[1] ALS. ISL: Indiana Division, Noble Papers.

[2] This bill passed and was approved. U. S. *Statutes at Large*, 5:201-4.

that the treasury notes are intended as curency, to be thrown into circulation. The opposition is strong and determined & have the weight of talent decidedly. The administration have a majority, and are every day becoming better drilled I fear they will carry their measures, through this house, in senate the administration has a decided majority.

Congress has resolved to adjourn on the 16th. It is perhaps best to adjourn, it is said great changes have taken place in some of the states, if so, it may have some effect on the action of Congress—

The adjournment was called up, and voted for, by most of the friends of *power* for they do not feel verry secure— The adjournment may therefore be considered a measure of the administration

I should be glad to hear from you often—

With great respect I am your sincere friend

W Graham

His Excelency Noah Noble

Milton Herndon to Noble[1]

Crawfordsville 13th Octr 1837

Dear Sir There will in all probibility be warm contest in the approaching election for President Judge in this district— and as I feel a deepe interest in the result I have taken the liberty to say a few words to you on the subject the two prominent candidates will be I Naylor of our place and Wm P Bryant of Rockville—you are personally acquainted with both the Gentlemen— I have nothing to say against Mr N as a lawyer and a gentleman so far as I am capable of judgeing—but I do feel extremely anxious that Mr B should succeede Judge Porter—on enquiry I believe you will find it the wish of a majority of the people of this district—but there is one circumstance that I wish to recall your memory to— If you had no choice between the two gentlemen I think you would be almost bound to use your

[1] ALS. ISL: Indiana Division, Noble Papers.

influance in favor of the last named gentleman—because of the little *Hand Bill* put out a few days before the august election in 1836 I gave you the document (if I mistake not) when you were at my house—however for fear you may have forgotten it I will remind you that in any event he pledged himself (if elected) not to suport you for the senate of the United States—any interest you may take in the election of Mr B will be reciprocated should an oportunity present itself.[2] My family are well and send there love

With sentiment of Respect Yours Truly

MILTON HERNDON

[Addressed:] His Excy Noah Noble Indianapolis Ia [In care of] Mr Merrill

Noble: Thanksgiving Day Proclamation[1]

[November 1, 1837]

WHEREAS, it has been represented that it is desire of the religious community to set apart a day during the present year, to be observed as a day of General Thanksgiving,

Therefore know ye, that in obedience to the said request, I, Noah Noble; Governor of the State of Indiana, do hereby appoint the *first Thursday in December next,* as a day of public thanksgiving to ALMIGHTY GOD for his special blessing on the fruits of the earth, and the measure of health enjoyed throughout our State; and do respectfully request the members of the several churches, and all others to join in its observance.

Done at Indianapolis this first day of November, 1837.

By the Governor

N. NOBLE

WM. J. BROWN

Secretary of State

[2] Isaac Naylor was elected president judge of the First Judicial Circuit by the General Assembly in December. He received seventy-five votes to sixty-nine for Bryant. *House Journal,* 1837-38, p. 59.

[1] Indianapolis *Indiana Democrat,* November 22, 1837. This is the first known proclamation by an Indiana governor calling for the observance of Thanksgiving Day. The *Democrat* approved of it and hoped the custom would prevail in Indiana as in Eastern states. Some of the other Democratic papers in the state objected to it.

The Revs. Calvin W. Ruter and Edward R. Ames to Noble[1]

New Albany Nov. 2nd. 1837

To his Excellency N. Noble

My Dear Sir "May goodness and mercy follow you all the days of your life, and may you dwell in the house of the Lord forever."

I received your very polite note of Oct. 26th[2] for which I return you many thanks. I now write to inform you that the following resolution was introduced into our Conf. and unanimously adopted (to wit)

Resolved by the Indiana annual Conference in conference assembled that the first Thursday in Dec. next be set apart as a day of thanksgiving to Almighty God, for the general health of our citizens, for the abundant fruits of the Earth the present season, and the numerous blessings on us bestowed, and that the Governor of this state be respectfully solicited to issue his proclamation requesting the citizens generally to unite in offering *on that day especially,* ascriptions of praise to the rich donor of all our blessings. (Signed)

C. W. Ruter
E. R. Ames

I intended to have forwarded the Above by Rev. J. C. Smith, but failed, not seeing him after it was written Yours most affectionately

C. W. Ruter

George H. Dunn to Noble[1]

Lawb [Lawrenceburg] Nov 12th 1837

Dear Sir I have had a long consultation with our board. They seem very willing to make great sacrifices to ensure the

1 ALS. ISL: Indiana Division, Noble Papers.
2 Not found.

1 ALS. ISL: Indiana Division, Noble Papers. Dunn, a member of Congress, was also president of the Lawrenceburgh and Indianapolis Railroad Company.

making of our road. The offer to be made to the Legislature, most approved of was the payment of a bonus equal to $100,000 if the state will make the work. This is nearly ½ of the whole amount of bonds obtained from the state (221,000) & is truly a great sacrifice for a few individuals to make & will at best shew that no *speculation* is intended or expected out of the use of the money

Within a few hundreds of $50,000 has now been expended on the road & before spring we shall expend 10 to 12,000 more on the section near town & they propose to expend enough to make up the 100,000 & surrender it to the State if she will make it. This offer I am authorized to make in the report I am now drawing up.

I tried to get them to say that if ½ of the stock was taken by the State that they would go on, but I could not screw up their courage to that point. They would not have faith that the other half of the stock could be raised. If the state will go that far I believe we can do the rest. Some of the men now concerned will not perhaps, but they will sell out on such terms as will justify others in buying. They offer now at 40 pr ct discount to any who will go on with the work & I do not doubt they will do it at 50— & I think at that I could find purchasers provided the State will give efficient aid.

I have thought on the whole it might not be unprofitable to let the report go in that shape viz an offer to relinquish & pay $100,000 if the State will make the road, & if that cant be done let our friends get the next best thing— even if it is nothing more than an extension of time. I find on all occasions when I urge the expenditure of all the funds we have on the ground that if that much is done, the road will then force itself thro, that I am met with the want of time. They all seem to concur that the road will then be made but not in time to prevent a forfeiture. We have now 7 years remaining 5 more would be a great help. It will remove the fears of many that after all their money is spent the road will forfeit to the State.

I do not suffer myself to doubt of the road being ultimately made. I settled that matter in my mind so soon as I succeeded in

raising the first 10,000 & putting the first mile under contract. That great bank of earth would I know be a continual eye sore, distressing to this people. Their pride would be enlisted in its progress I feel that we have the ability if we could only think so a little state help would relieve us from our present despondency & I think all save a very few would go to work again right speedily. If nothing can be done this winter I fear that the matter is ended for a few years, until business becomes settled & confidence revives & the people are disabused of the false tales now spread of the immense expense of these undertakings. Altho two sets of engineers have decided the expense of this work at about a million our men will pretend to assert that twice that is too little & they appeal to this Madison affair as proof positive of the falsity of such estimates. I trusted that the making of a few miles would have changed their opinions My friend Amos used to pledge his *veracity* that the first mile will cost $150,000. We shall at least nail that to the counter for we will have 1¼ miles done next spring.

My plan of operations is to make as strong a report to the Legislature as the facts will justify, & we can make out a strong case.[2] We have done much & struggled hard—the times have been against us. We have spent 50,000 out of 221,000 recd & surely there has been no speculation in that. We offer now to pay up another 50,000 & give it to the State. This will be enough to meet the interest on whatever is necessary to complete such a portion of the road as will be profitable. We will have agents on the line to procure relinquishments & also to circulate a petition from the back counties & some few active men on the ground this winter. I have become so identified in this matter, that much of my future depends upon it. If my friends are aware of this doubtless they will give it all the aid they can for my sake. But the public has a deep interest in it.

The present State work cannot be as profitable without as with this work. The water from here cannot find employ unless

[2] The annual report of the board of the directors of the Lawrenceburgh and Indianapolis Railroad Company is in the *Senate Journal*, 1837-38, pp. 274-81.

some such facility is afforded the back country, & if Cincinnati makes her branch canal as doubtless she will it must abstract the toles from the line between here & Harrison & result in that much less to the State & how can that be obviated save by building up & giving importance to this place.

I have written this late Sunday night for I had no other time to devote to it. It is all head over heels in every respect, but I will try & have a copy of the report sent to you next week & you will learn more from it. In the mean time I am Yours &c

G H Dunn

Noble to the Commissioner of the General Land Office[1]

Executive Department

Indianapolis Nov. 12, 1837.

The Hon. Jas. Whitcomb

Comr. Genl. L Office

Sir, Your long residence, your observations, and your participation in the councils, make you so familiar with the early history and policy of this state, that I need only allude to a few particulars to make you acquainted with the object of this communication.

Soon after we entered into the Union as a state, the construction of a Canal uniting the navigable waters of the Wabash with those of Lake Erie, was the favorite object and enterprise of our legislature. For the accomplishment of that object the first steps to be taken were to test its practicability, but for the want of means and aid of competent Engineers, nothing was done until assistance was obtained under an appropriation for surveys made at the out set of Mr Adams administration. By the examinations made in running "Stansberry's line" we ascertained that all the difficulties of the middle ground or summit could be overcome, which settled the question of practicability. Our next effort was to procure the aid of the goverment in the shape of a grant of lands, but the capacity of the Wabash and of the Miamie of the

[1] ADftS. ISL: Indiana Division, Noble Papers.

Lake, for navigation, were too little known to designate points of intersection and termination.

The assistance sought was however obtained by the passage of the act of the 2d March 1827, but for the want of the information alluded to no points could be named in the law and therefore, the one half of five sections, on each side of the line *"from one end thereof to the other"* was given to aid the state in uniting the waters of the Wabash with those of Lake Erie, "at navigable points" "from one end thereof to the other."

The second section of the act authorized the officer of the state, in charge of the work, to designate the lands granted by the first section, so soon as the route should be located and agreed upon by the state. Although the line run by Mr. Stansberry was made to acquire information as to the practicability and cost of the work, and was not sufficiently accurate for a final location, it was deemed safe, and passing entirely through the new lands, from which selections were to be made, it was adopted by the legislature to enable us to avail ourselves of the grant to base our operations upon, without incuring the expense of a new survey, with the delay that would follow, to both this state and the General Government, in the sale of the lands belonging to each. By that course the selections were at once commenced and so far as made have been reported to, and approved by the general Land office. For the selection of the Lands due to the Eastern division of the line, passing through the territory of Ohio, the same line (Col Stansberrys) was adopted by our legislature, and after the transfer of that part of the work to that state, the selections were made by her agents.

Our active operations, as you know, commenced on the summit, and have continued westward, pursueing the course of the Wabash. During the intermediate period examinations have been made by an Engineer of the United States and by our own to determine the capacity of the Wabash for navigation, and for that want of sufficient water in the channel, at i[t]s ordinary stage, to allow a permanent and useful commerce. We have found it best to continue the work down the stream, in the language of the act of March 1827 to a navigable point at Terre Haute. For like

reasons and to arrive at a *"navigable point"* the authorities of Ohio have extended their line below its first point of intersection with the waters of Lake Erie.

The work in its onward course along the Wabash to meet an uninterrupted navigation, has been placed under contract to La Fayette, and the preliminary surveys are now complete to Terre Haute. Having appropriated the proceeds of the lands, as far as they have been set a part, we now wish to avail ourselves of the remainder due us under the act of Congress making the grant.

The lands upon and near the route as you know, and particularly below Carroll County have been sold and we must look to those elsewhere for the satisfaction of our claim. With that view I have to request that the unsold lands in the reserved townships, on the water of Tippecanoe and Yellow rivers, recently exposed to sale at La Porte, and the Indian Reserves not yet offered on the waters of Eel and Tippecanoe rivers, may be suspended and reserved from sale toward the satisfaction of our claim.[2]

I need hardly refer you to the compliance of your Department with a like request from the governor of this State, in which the Indian Reserves in the Bucyrus and another Land district in Ohio were withdrawn from sale to await the selections due to that part of the canal now transferred to Ohio.

Waiting for a reply as early as your laborious duties may allow, at the eve of the meeting of Congress,

I remain sir very respectfully your Obt svt

N. Noble

[Endorsed:] Copy to the Hon. Jas. Whitcomb Comr Genl Land Office

James Whitcomb to Noble[1]

[Washington] 17 November 1837

Sir I have the honor to acknowledge the receipt of your communication of the 12th inst[2] by express mail relative to the lands

[2] For Whitcomb's reply see below.

[1] ISL: Archives Division, microfilm, General Land Office, Miscellaneous Letters Sent, 8:158-59.

[2] See above.

now claimed by the state as due for the proposed extension of the Wabash and Erie Canal from Tippecanoe River to Terre Haute

The claim to a further selection of lands under the grant to Indiana of 1827 is a subject already before the office in communications recently received from the President of the Board of Internal Improvements and certain of the delegation to Congress from your state, the submission of which to the President has been deferred until the meeting of Congress in December next in accordance with a suggestion made by the Hon Albert S White. Your communication now before me will be placed on file and submitted with them.

In the meantime as regards your particular request "that the unsold lands in the townships reserved on the waters of Yellow and Tippecanoe Rivers recently exposed to sale at La Porte and the Indian Reserves not yet offered on the waters of Eel and Tippecanoe Rivers may be suspended and reserved towards the satisfaction of our claim" I am at a loss to understand whether the townships desired to be reserved are those which have already been brought into market and are now subject to private entry or those which are only *prepared* for market and have not yet been proclaimed and offered for sale, if the former are meant it is extremely questionable being all situated without the five mile *limits* of the grant whether the sales in them could be suspended without a resolution of Congress, besides the act of 1827 makes no provision for the selection of land in lieu of lands sold and which otherwise would have become the property of the state in virtue of the grant in both which particulars the grant to Ohio quoted in your letter as a parallel case differs materially from the grant to Indiana

If the latter are intended the President under the discretionary powers vested in him by law might if the reasons offered proved satisfactory to his mind omit to include a portion of them in his proclamation by which course not being subject to private entry they would be as effectually reserved as townships *withdrawn* from market

The accompanying diagram marked A of part of the La Porte district west of the 2d principal meridian and a small portion of

the Crawfordsville district will exhibit to you the townships yet to be brought into market, being all those left uncolored and together with the Indian reserves lately ceded and surveyed alluded to in your communication constitute all the unoffered lands in those districts I would respectfully suggest that you would have marked on the diagram such unoffered townships as you would wish to have withheld in addition to the late Indian Reservations situated east of the meridian and on being returned to this office it could remain on file to be submitted should the question of bringing these lands into market be taken up before the necessary action of Congress can be had to authorise the state to make selections in them provided that the question of her right to receive land for the proposed new extension of the canal route shall be decided in her favor.

From some of the expressions in the sentence quoted from your letter I am led to infer that you are under a wrong impression as regards the amount of land recently offered at La Porte You will perceive from the diagram that only one Township was proclaimed and offered at the late sale and that there is a very large amount yet unoffered—as the subject of bringing the residue of these lands into market may soon come up for action I will thank you to return the diagram at your earliest convenience. I have etc

Jas Whitcomb Comr

George H. Dunn to Noble[1]

Lawb [Lawrenceburgh] Nov 23rd 1837

Dr Sir Having been disappointed in a boat to day I have another evening to spare & conclude to trouble you with another letter.[2] If our board have drawn up a report & will have it printed & placed in the hands of the members early in the session, It will show that they have expended 50,000 now & will propose to expend 50,000 more & then give it up to the State if the State will make the work. They show that much embar-

[1] ALS. ISL: Indiana Division, Noble Papers.

[2] See his earlier letter to Noble, November 12, above.

rassment has arisen, by the burthens imposed on the Co on the grant to the Co—tacking on the Madison road & also compelling us to an additional work of nearly equal amt to the State credit extended.

Now altho' the Co do not ask for any thing else than for the State to take it off their hands, yet if that cannot be had I much desire that something else may be done. Say an extention of the time to make the road 5 years more may do—I think it can be done in the present time—but some are timid & such an addition might encourage them Next a subscription of stock by the State—to be made immediately or so soon as a certain portion of road is made. If a subscription cant be had, then an additional state credit—say as soon as the present sum is expended the value of the road to be estimated & the State to give her credit to ½ the amt.

I do think that something of this kind will restore confidence in the undertaking & if not induce the all present stockholders to go on will encourage others to take hold.

It is important for the state the the work shall be done, otherwise the water power at this point will not be rendered so productive—& it will also very much help us to compete with Cinci & make the Canal from Harrison down much more profitable should they make the branch

Massachusetts seems to follow suit & will be as decided as N. Y. according to late accts. Yours &c

G H Dunn

Let me hear from you

[Addressed:] Gov N Noble Indianapolis

Enoch D. John to Noble[1]

Lawrenceburgh 25th Novr 1837

Dear Sir As the internal improvement board meets in a few days I again call your attention to the subject of locking down

[1] ALS. ISL: Indiana Division, Noble Papers.

to the first bank opposite Lawrenceburgh[2] every one who is disinterested in the matter with whom I have spoken sees & acknowledges the propriety of bringing the canal navigation as near the river as possible— If it is concluded and the locks ought to be let immediatly that the contractor might be making his contracts for the materials by spring so that it might be completed next summer—

The measure will meet the approbation of our citizens generally & will be of special interest to the State especially if the arm to Cincinnati is made which I have no doubt will be. If all the property broughte down the canal must stop at the upper bason & have to be drayed to the river it will be such an objection to coming here that most will go direct to Cincinnati—but if by the canal it can be brough to our wharf & without the expence of drayage & shiped by steam boat directly up or down the River all will prefer coming here to going to Cincinnati—

I hope you will press the matter upon the Board—

Your check for $400 will be paid— let me hear from you—

Yours truly

E D. John

N Noble

John A. Matson to Noble[1]

Brookville Novr. 25th 1837

Dear Sir, Agreeably to your request I write to inform you our proceedings in surveying the State line. We spent last week

[2] The terminus of the Whitewater Canal was first placed at the upper end of Lawrenceburg, a distance of several blocks from the Ohio River; from there it was proposed to connect the water of the canal with that of the river by means of a series of "tumbles." After Noble became a member of the Board of Internal Improvement in 1839 the canal was extended to the steamboat landing in Lawrenceburg. This extension benefited John, and since he was Noble's brother-in-law, charges were made that the change was made for private and interested motives. However, the Senate investigating committee appointed during the 1841-42 session, exonerated the former governor from any improper conduct in connection with the relocation. See *Documentary Journal*, 1841-42, pt. 1, doc. 6, pp. 167, 435-42, 498, 534-36.

[1] ALS. ISL: Indiana Division, Noble Papers.

and two days of this in hunting up old lines and surveying the meridian [?] or State line. We have agreed upon a line which interferes very little with the boundaries of proprietors, and appears to give general satisfaction.

We also fixed upon the point for erecting the monuments, but can not erect them before next spring. One of them will be in the outer toe of the canal bank which is not yet completed

Mr Squibb of Dearborn Co. acted as our surveyor assisted by Mr Gest City Surveyor of Cincinnati. Our labours were much facilitated by documents furnished by Mr Samuel Williams Chief Clerk in the Surveyor General's Office who spent some days with us on the line. We will file a copy of these documents with our report in the office of the Secretary of State, which will be made as soon as the monuments are erected.[2] Your [friend]

Gov. Noble J. A. Matson

Auditor of State to the Governor of Ohio[1]

Auditors Office Indianapolis Nov 26 '37

Sir His Excellency the Gov. has requested me to answer yours to him of the 8th inst.

In answer to your first inquiry "What are the subjects of taxation"—I answer—all real estate with its improvements & all personal property of every description whatever. Money at interest & notes drafts &c &c brought with money, are considered personal property. Notes & book accounts are not.— You wish to know the proportion on real & personal. The proportion is the same on both. The percentage the tax bears to the value of the property taxed is fifteen cents on the one hundred dollars. Ten cents to support the ordinary expenses of the State, & five cents expressly set apart towards defraying the interest on our Internal Improvement Loans.

[2] See above, 494-95n, and below, 595.

[1] ALS. Governors' Correspondence, Ohio Historical Society, Columbus.

For county expenses, the per cent is fixed annually by the Board doing county business, Merchants tavern keepers & grocers pay to the county an annual tax as a license, the first from five to twenty the last from fifteen to fifty, all for county purposes. This in addition to the ad valorem tax

I am Respectfully Sir Yr obt sevt

MORRIS MORRIS

HIS EXCY JOSEPH VANCE Columbus Ohio

Thomas H. Blake to Noble[1]

TERRE HAUTE Novr 28 1837—

DEAR SIR, I found on my arrival at the Grand Rapids that I was mistaken in Mr Gardners[2] disbursements & amt. of contracts for the improvement of the Wabash. He has disbursed $6,600 & his pending engagements amt to $1,200 in all $7,800—but this amt exceeds the disbursement of Mr Mundy the late comr. associated with him of Illinois $1,648.22, the half of which $824.11 deducted from the $7,800, leaves the balance in Mr Gardners hands liable to transfer of $6,975.89— I derived these facts from Mr Gardner himself, telling him at the time that they would be submitted to you & he only qualified them by saying that on the final settlement of his a/c the statement might vary a *little*. The office of Mr. Mundy has been annulled by the General Ass[embl]y of Illinois & his balance transferred to their Board of Public Works, but which may yet be applied as heretofore, but I very much doubt the expediency of our doing so, the more especially as our Board of Int. Impt. will be constrained at the approaching session of the General Assembly to apply for a further appropriation for the improvement of the Grand Rapids—

[1] ALS. ISL: Indiana Division, Noble Papers. Blake, a member of the Board of Internal Improvement, was appointed Indiana commissioner for the improvement of the Grand Rapids of the Wabash. See below, 585n.

[2] Andrew Gardner, commissioner of funds appropriated by Indiana for improvement of the Wabash.

I can not possibly be at Indianapolis before Sunday night & have therefore sent you these particulars by our *mutual* friend *Tom Dowling,*[3] his remarks on your thanksgiving day to the contrary notwithstanding—

I remain, Dear Sir, Yrs Truly

THO. H. BLAKE

HIS EXCY N. NOBLE

Noble to the Commissioner of the General Land Office[1]

EXECUTIVE DEPARTMENT

INDIANAPOLIS 5 Dec 1837

SIR, The communication you addressed me under date of the 17th ult. in reply to my letter of the 12th that month I recd in the ordinary time required for its transmission by mail.[2] Since which my official duties have prevented me from giving you the further and more perfect description of the lands to be set a part towards the satisfaction of the claim of this state under the grant made by the act of Congres of 1827.

The township alluded to by me as having been recently offered at public sale at La Porte were those lying *east* of the Meridian and which had previously been reserved from Sale to satisfy Indian reservation not then located and not knowing that other lands *west* of the *Meridian* had been subsequently exposed at that Land office, it is now easy to perceive your inability to understand what lands were intended to be designated. I am now informed by the Comr on our Michigan Road that the lands in the recently offered townships east of the Meridian, have been nearly exhausted at private entry, and as petitions and other applications will soon be made to the President for the sale of the Indian reserves and of the lands not yet exposed west of the Meridian, I will renew my request that the Indian reserves East of the Meridian, namely Wee-saw, Wee-wi-sas, Menominees, Aubinaubees &c. may be with

[3] Thomas Dowling, of the Terre Haute *Wabash Courier.*

[1] ADftS. ISL: Indiana Division, Noble Papers.

[2] The earlier correspondence is printed above.

held from public sale towards the satisfaction of the claims of this state, and also Townships thirty four, thirty five and thirty six, in Ranges seven and eight: Township thirty four Range nine, townships thirty one and thirty two Ranges one and two, township thirty range one & two and townships twenty nine Ranges six and seven which you will find marked *canal* on the diagram herewith enclosed.

Several years having elapsed since the application was made for the suspension of the sales of the Indian Reserves and other lands on the Maumee of the Lake, I was mistaken in supposing the reserves were selected beyond the four mile grant to the canal on each end of the line, and now stand corrected on that subject.

I am sir most respectfully yr obt svt

N. Noble

Noble: Message to the General Assembly[1]

[December 5, 1837]

Gentlemen of the Senate, and of the House of Representatives:

With the return of the period of our annual meeting to confer on matters of public interest, we find ourselves under renewed and increased obligations to our Creator for the unusual measure of health we have enjoyed throughout the seasons of the year now at its close. Whilst we render our grateful acknowledgments for this exemption from his chastening hand, our indebtedness is increased by the special dispensations of his favor in the profusion of our harvests. Though it is with some abatement, the usual indications of the prosperity of our citizens may be observed in the compensation received for the products of the soil; in the reward given for labor, and in the returns realized from all our enterprize and active pursuits; and when we compare our condition with that of the less favored portions of the Union, we have

[1] *House Journal,* 1837-38, pp. 12-25. Also printed in *Senate Journal,* 1837-38, pp. 9-22, and in the *Documentary Journal* for this session.

reason to be content with our individual lots, and to congratulate ourselves upon the evident prosperity of the State.

Although the returns of the assessments to the Auditor's office are incomplete, the amount of the taxable property for this year may be estimated at ninety-eight millions of dollars, being about twenty millions more than the aggregate assessments of the previous year. The revenue derivable from that sum at the rate established by law, will replenish the treasury, extinguish the remnant of unsatisfied claims upon it of the last, and meet the demands upon it the current year. The reports due from the Auditor and Treasurer will exhibit a detailed view of the receipts and expenditures of the current year.[2]

I thought it my duty on a former occasion to direct the attention of the Legislature to the deficiencies in the quantity of land returned from many of the counties, compared with the returns of the preceding year, and to advise the application of the necessary remedy. Since that time they have been multiplying, and errors are so manifest in the last reports, as to show a deficit of from two to three hundred thousand acres. In looking for a cause of these imperfections, it is justly ascribable to the mode of assessment and to the appointment of unfaithful assessors, who perform their duty negligently, without having the tract book to direct them. The only effective remedy is to be found in the appointment of one assessor for each county, in requiring him to assess from the tract book, and in the institution of a suit on his official bond for omissions of duty.

The operations upon the several lines of our public works have been as active and spirited as a prudent economy, with reference to the magnitude of the expenditures would allow.

The navigation of the Wabash and Erie Canal, during the past season, has been extended as far west as Peru. The line is now finished to Logansport, the water has been introduced, and the passage of boats is prevented only by the return of the winter season. With the opening of the spring, the canal may be navigated from that point to Fort Wayne, a distance of seventy six

[2] The Treasurer's report is printed in the *Senate Journal* and *Documentary Journal* for this session.

miles. Between Logansport and Lafayette, the advances of the work equal the expectations of the Commissioner. It is gratifying to be able [to] say, that the State of Ohio has taken hold of her portion of the work in a manner that gives an assurance of her determination to finish it in the shortest possible time. The whole line within her territory has been placed under contract, and allowing the usual time for their completion, we are fully authorized to expect, that within two years from this time, canal boats may pass from the Lake to Lafayette, thus realizing the great object which has so long engaged the attention and solicitude of the State.[3]

The work on the White Water Canal has been prosecuted with energy, and the contracts were so far advanced as to justify the belief that the navigation from Brookville to Lawrenceburgh may be commenced by the beginning of the next autumn.[4]

The contracts entered into at the lettings of the last year upon the canals at Terre-Haute, Evansville and Indianapolis, have been carried on with commendable activity, and the work at these points is such as to render it acceptable to the Commissioner and satisfactory to the public.

A corps of Engineers has been engaged the past spring and summer, in determining the probable location and cost of the canal to connect the Wabash line with lake Michigan. This route is understood to be very favorable for the construction of a canal. The examinations have been extended to the Illinois line, and sufficient information has been collected, when taken in connection with the surveys made by that State, to show that this work may readily and cheaply be extended, so as to intersect the Michigan and Illinois Canal. In that way each State would be benefitted by the mutual transportation of a much larger amount of imports and exports than belongs to their respective territories.[5]

The grading and bridging on the Madison and Lafayette Rail

[3] This was not accomplished until 1843.

[4] The first canal boat reached Brookville from Lawrenceburg on June 8, 1839.

[5] The report of the surveys by William B. Mitchell for the Erie and Michigan Canal are in the *Senate Journal,* 1837-38, pp. 232-34, 432-43.

Road from Madison to Vernon, has been vigorously prosecuted. It is so far advanced as to create the expectation that the track on this portion of the line may be laid down the ensuing summer, and that locomotive engines with their trains, may commence running, if thought expedient, by the next meeting of the Legislature.[6]

The New Albany and Vincennes Road has also made favorable progress. The grading and bridging on forty one miles, commencing at the Ohio River, may be finished and prepared for the metal early in the ensuing spring. The preliminary examinations, with a view to its final location, have been made west of Paoli, the terminating point of the division now under construction.[7]

Upon that portion of the New Albany and Crawfordsville Road, extending from the former place to Jeffersonville, the amount of work performed, is equal to that required by the Commissioner and Engineer, and the grading on this division is nearly completed. This part of the road has been graded on such a scale as to answer equally well for a Rail or McAdamized Road. It has been a source of regret and is deeply lamented by all who have been engaged in its interests, that the examining Engineers have so far differed in their views and opinions relative to the character of the work, as to prevent a satisfactory and final determination on the part of the Board. It is confidently believed, however, that the further information now sought, will warrant a decision at its present meeting, and when the character of the work is determined, no doubt such additional lettings will be made, as will compensate for the delay.[8]

[6] Trains began operating between Madison and Graham, a distance of seventeen miles, on November 29, 1838, before the meeting of the next legislature. The road was not completed to Vernon until the following June. *Indiana Magazine of History*, 12(1916):236-37. The report on the road made to the Assembly at this session is printed in the *Senate Journal*, 1837-38, pp. 212-17.

[7] The report of progress made in building this macadamized road is in the *Senate Journal*, 1837-38, pp. 217-20.

[8] Sylvester Welch, Samuel Forrer, and J. L. Williams, engineers, reported to the Assembly regarding the surveys of the route between

At the close of the last session an impression went abroad, creating the expectation that additional work would be placed under contract during the present year. The propriety of a compliance with the prevailing impression, its consequences and influence upon the cost of the work, were discussed at a special meeting of the Board. Their deliberations resulted in the postponement of further lettings, to a period when the State could avail herself of any beneficial change that might take place in the price of labor, provisions, and other items of expense that enter into the cost of construction.

I have thus given a condensed review of some of the leading operations on the lines of the public works. A minute and detailed report on the whole subject will be laid before you by the proper officers, in ample time for your deliberations. From that you will perceive, that they have discharged their duties with characteristic fidelity and zeal.[9]

In the experience and events of the year, nothing has been wit-

Jeffersonville and Crawfordsville. Edward Watts had made the survey for a road, R. H. Fauntleroy for the railroad. The engineers favored building a road in preference to a railroad because it was cheaper and was adequate to the present needs of the country. *Senate Journal,* 1837-38, pp. 348-97; No. 19 of *Documentary Journal.*

The Assembly passed an act to provide for building a railroad from New Albany to Jeffersonville and a macadamized road from Jeffersonville to Crawfordsville. *Revised Laws of Indiana,* 1838, p. 354.

[9] A brief report of a meeting of the State Board of Internal Improvement held in Indianapolis June 12 through 16, 1837, is given in the Indianapolis *Indiana Journal,* June 24, 1837. Reports on the various projects were made. "No further lettings are contemplated by the Board," stated the *Journal* at that time, "previous to their next meeting, (1st Monday in December,) excepting the grubbing of some portion of the New Albany and Crawfordsville Road, and a small amount of work at the Grand Rapids of the Wabash, if the proper arrangements can be perfected with the authorities of Illinois.

"It is understood that the Board agreed, that each member will urge upon the contractors on the several lines, an immediate reduction in the prices now paid for labour, so as to conform more nearly, to the new state of things produced by the commercial changes, which have recently taken place."

The different reports of the Board of Internal Improvement are printed in the *Senate Journal,* 1837-38, pp. 181-255, 348-97, 432-43, 460-66, and in *Documentary Journal,* Nos. 16, 17, 19, 20, 21, 23, 24, 25.

nessed of a character to discourage the progress, or the ultimate success, of the system. On the contrary, we see much to strengthen our convictions of the wisdom of the policy, and to inspire us with increased confidence in the ability of the state, with wise and provident legislation, to accomplish the whole undertaking. The expenditure of nearly one and a half million of dollars this year, in addition to previous appropriations, has saved us from the evils resulting from the prostration of prices and business in other portions of the country. Labor, with the fruits of the soil to support it, is more abundant, the credit of the state, and her acknowledged resources to sustain it, affords her an ample command of funds, and at home we have renewed assurances of the settled determination of the people to uphold it, without which no system of policy can long prevail.

At the date of the commencement of the enterprise, our state and its citizens were in the enjoyment of unprecedented prosperity. The then existing condition of things, was made the basis of our future calculations. Since then, external causes have cast a shade over the auspicious prospect, and taught us with an impressive force, the duty of so shaping our policy as to be prepared for every vicissitude that may befall us. Looking then, with a calm foresight to the future in reference to our policy and the financial condition of the state, we cannot but observe that a period will arrive when the means of paying the interest on our increased expenditures, will unless derived in some degree from the incomes of the public works, multiply the public burthens. A foreign war or any disturbing cause, affecting the prosperity of nations and communities, may at such a crisis, by preventing the acquisition of additional loans, arrest the progress of our improvements. We should then be burthened with the interest on the invested capital, whilst the stationary and unproductive situation of the works would preclude our realizing any return from them. Sound policy would therefore dictate the expediency of so directing their prosecution as will have a tendency to render some of them soon available in the production of revenue. The great disparity in the length of the lines, in their relative cost, and the time requisite to finish them, indicate the evident impolicy of their

simultaneous completion.[10] The comparative shortness of some of them, and their forwardness would justify us in making increased appropriations with a view of finishing them as soon as practicable. This can and should be done without discontinuing expenditures elsewhere or disregarding expectations that may have been created, or violating that spirit of good faith and compromise which led to the adoption of the system. On finishing the works in question, we should then be able to give an exclusive application of all our effective means and force to the remainder. In addition to these manifest advantages, an adoption of the suggested opinion would commend itself to the sober judgment of the people, and establish on a firmer basis the policy to which the State is pledged. It would likewise tend to strengthen confidence in her resources, and thus give additional security and value to her stocks.

Whatever may be the policy resolved on, it should be pursued with a strict reference to the ability of the State and her citizens, to sustain it without embarrassing the one or imposing severe and inordinate burthens on the other. If we find it impracticable or inexpedient to accomplish the task we have assumed within the allotted period, let us give ourselves additional time. What we designed doing in one year we may do in two, and thus by dividing and lessening the burden of its cost we will in the end secure all the predicted benefits of the policy, without having recourse to oppressive taxation.

The compact proposed by this State to Illinois, in relation to the improvement of the navigation of the Wabash River, has been accepted by the reciprocal legislation of that State. Soon

[10] The Indianapolis *Indiana Journal* interpreted this as meaning "nothing more nor less than that, in all the operations on our public works, an eye should be had to the *early use* and *availability* of the works completed. . . . We suppose it never was questioned that the Board of Internal Improvement had the discretionary powers to progress *most rapidly* with those works which will be most immediately useful, and also to complete first those parts of *particular works* which will earliest yield a revenue, and afford the most extensive accommodations to the people. Nor do we suppose it was ever intended or expected that the works should be *simultaneously completed.*" Issue of December 16, 1837.

after the terms were adjusted, a joint commission was established by the designation of a member from the Board of Public Works of each State, who immediately entered upon the duties of their appointment. The principal obstructions being at the Grand Rapids, examinations and estimates were made for that point, and it is believed that a dam from ten to eleven feet in height at the foot of the Rapids, will render that difficult part of the stream subservient to Commerce. Contracts were entered into on the 22d of last month, for furnishing stone for the construction of a dam and lock.

I lay before you the joint resolution of the Legislature of Illinois transmitted by the Governor for your information.[11]

The Commissioner of the Michigan Road has performed the service required by the act of the last session, in the selection he has made of the remainder of the Michigan Road Lands. He has also performed the further duties enjoined by advertising and selling the tracts selected. The proceeds of the public sale and the private entries since made, amount to $8,781 70 and have been disposed of as the law directs. His proceedings will be reported in proper time. Several causes conspired in preventing the survey of that part of the road north of the Seat of Government, until the summer months had elapsed. The duty was assigned to Mr. Adams, an engineer of acknowledged qualifications, whose report though late, will be in season for a correct understanding of the subject.

In the absence of the information to be obtained by the survey, I am in possession of no data by which to form an opinion as to the character of the improvements most desirable, to place the road in that state of repair which the necessities of the public and the policy of the State require. Passing as it does through a highly flourishing country, from one extremity of the State to another, and accommodating a greater amount of travel than any

[11] The resolution is printed in the *Documentary Journal,* 1837-38, No. 6. Thomas H. Blake was appointed commissioner for Indiana and M. K. Alexander for Illinois. David Burr, as engineer, submitted a report to them on November 28 regarding the improvement at the Grand Rapids of the Wabash. See *ibid.,* No. 18, and *Senate Journal,* 1837-38, pp. 192-204.

other, it possesses high claims, and I beg leave to earnestly urge them upon your consideration.[12]

No further application has been made by the Lawrenceburgh Rail Road Company for the bonds of the State authorized to be issued by the Treasurer of State, nor will any be made until the $221,000 already realized shall be expended by the Company.

I am informed by a communication from an officer of the Company, that the sensible change in the general prosperity of the country, has so much embarrassed the progress of the work, as to render its completion doubtful, within the time specified by the charter. They will submit a proposition to the Legislature, offering to expend $100,000, inclusive of the work now done, to return the remaining $121,000, and to surrender the charter to the State, on condition that she will undertake to complete the Road at some future period.[13]

That work would furnish facilities to the trade of a densely populated and highly productive portion of the State, and one that contributed largely to the support of the public burthens. The proposition evinces a degree of liberality and public spirit highly creditable to the stockholders.

Of our dividend of the three per cent. derived from the sale of the Public Lands the present year, the sum of $57,450 00 has been received by the Treasurer, and applied by him towards the various unsatisfied demands upon it. From the Report of that officer, you will perceive that the appropriations, from first to last of that fund, for the benefits of Roads, Rivers, and to the several counties, amount to $574,148 50, and that the entire receipts, including

[12] On December 20 Julius W. Adams submitted his report on the improvement of the road north of Indianapolis. *Senate Journal,* 1837-38, pp. 328-42; *Documentary Journal,* No. 27. Bills were introduced in the House and Senate for its repair but failed to pass. A second House bill called for macadamizing the road between Napoleon and South Bend, but this too failed to pass. *Senate Journal,* 1837-38, pp. 478-79; *House Journal,* 1837-38, pp. 181, 236, 709.

[13] The Assembly did not legislate on this subject. The report of the Railroad Company is in the *Senate Journal,* 1837-38, pp. 274-81. Work on the road was halted in the summer of 1837 because of difficulties growing out of the financial crisis. See George H. Dunn to Noble, November 12 and 23, above, for the situation in regard to this railroad.

the present year, amount to $438,100. The incidental expenses of disbursing the whole fund, to the present time, amount to $4,-733 41, leaving $140,781 91 to be obtained from future receipts to satisfy the excess of appropriations.[14]

According to the report received from the Commissioner in charge of that branch of the public interests, the receipts at the Treasury from the Saline Lands amount to $3,360 25. Although there is no present delinquency demanding your interposition, I avail myself of this occasion to call your attention to the imperfect state of the law, with regard to the prosecution of the pleas of the State. I conceive it to be defective in two essential particulars—in not authorising the Executive officers, in cases of defaulting agents and debtors, to order the institution of the proper suit, and for that purpose, to hand over the bonds and records on file in their respective departments, to the prosecuting attornies, and in not requiring of the latter, except in a few specified cases, the prosecution of other than the criminal pleas. In both respects, it would be expedient so to alter the law as to make it conform to those contingencies, to which the public interests are sometimes liable.[15]

The Treasurer of State has received from the Secretary of the Treasury of the United States, the first three instalments of the Surplus Revenue, awarded to this State by the act of Congress of June, 1836, depositing the surplus with the States. Of the first two instalments amounting to $573,502 96, the sum of $567,-126 16 has been handed over to the county agents on the scale of distribution prescribed by law. The balance of the two instalments, amounting to $6,376 80, not being applied for by the agents agreeably to the terms of the Act of the Legislature, has been loaned by the Treasurer, at the rate of interest exacted for the College Fund. The third instalment of $286,751 48 has been deposited with the Commissioner of the Sinking Fund as contemplated by law. The fourth instalment of $286,751 48, due the

[14] The report on the Three Per Cent Fund is in the *Senate Journal*, 1837-38, pp. 159-63.

[15] Apparently there was no legislation on this matter. The saline receipts came from Orange, Washington, and Monroe counties.

first of October, has been withheld and postponed until January, 1839. The failure to pay it over according to the stipulation of the Act of Congress, will be injurious to the interests of the State. An investment of that instalment in the stock named by the law of the last session, would have yielded an interest of not less than $25,000 per year, which was set apart by law towards the extinguishment of the interest on our Internal Improvement loans. It will, therefore, devolve upon you to make provision for a sum equal to the expected interest to supply the deficit.[16]

The annual report of the officers of the State Bank, required by a provision of their charter, will fully exhibit the condition of that institution and its branches.[17]

The disordered condition of the monied affairs of the country so sensibly felt in the east during the last spring, induced the banks of the city of New York in May last, to resort as a measure of precaution, to a temporary suspension of specie payments. That step was followed by a general and almost simultaneous suspension throughout the Union.

The intelligence arrived at the Seat of Government during the session of the State Board. After giving that anxious deliberation due to the magnitude of the interests involved, they determined to recommend an immediate suspension to the Branches.[18] The latter were in a safe and prosperous condition, as shown by the

[16] The report of the State Treasurer on the surplus revenue is in the *Senate Journal,* 1837-38, pp. 281-90. The Assembly passed an act at this session authorizing the Treasurer to receive from the State Bank the amount of the fourth installment, which he in turn was to pay to the commissioner of the sinking fund. The latter officer was then to pay to the Fund Commissioners in advance the estimated net interest that might be expected to accrue from loaning the money. This sum was to go towards liquidation of accruing interest on the internal improvement loans made by the state. If the fourth installment should never be paid by the Federal government, the fund commissioners were to issue to the State Bank, in full reimbursement, bonds similar to those issued for the internal improvement loans, bearing 6 per cent interest. *Revised Laws,* 1838, pp. 489-90. The fourth installment was never paid. See above, 558n-59n.

[17] The annual report of the directors is in the *Senate Journal,* 1837-38, pp. 59-90, and Nos. 8 and 9 of the *Documentary Journal.*

[18] See above, 549-51, for the proceedings of the board.

exhibit of their resources and liabilities made at the time. They had, however, in their possession more than a million of dollars in notes and credits on the suspending banks. Under these circumstances a continued redemption of their paper amidst the universal suspension of neighboring banks, would have led, unavoidably, to an almost entire abstraction of the specie basis of our circulating medium. The fatal tendency of the latter would have been seen, not merely in crippling and prostrating the bank, but in the severe and lasting injuries thereby resulting to the State. The members of the State Board, would therefore have been faithless to their trust, if they had neglected to adopt measures designed to prevent the capital which the State had furnished for the benefit of her citizens from being withdrawn to supply the vaults of foreign banks, the doors of which were closed against every similar demand we might make upon them.

The establishment of the State Bank of Indiana, was rather a matter of necessity than choice; and that necessity grew out of the discontinuance of the late National Bank. The late Chief Magistrate having determined to refuse to that institution a renewal of her charter, zealously recommended the State Banks as possessed of the ability to furnish a more sound and uniform currency. The local Banks instantaneously multiplied, and with the withdrawal of the paper of the Bank of the United States, it was evident that the notes of the local Banks would supply its place. We were therefore under the obligation to furnish our citizens with a substitute to place them on an equal footing with those of other States, and to avoid the necessity of supplying our deficient circulation by the paper of Banks of which we could know but little. With these facts and views before them, with the general consent of all parties, and the marked approbation of the people, the State Bank with its Branches was established by the Legislature. In order more effectually to identify it with the public interest and welfare, the State became the owner of half the stock, reserved to herself ample supervisory powers over it, and retained the right of selecting some of the more important of its officers.

To pay her half of the stock, and to furnish individuals with a part of the means of paying their subscriptions in specie, the State borrowed in all the sum of $1,390,000. at five per cent. payable in from twenty to thirty years. She receives on this sum an average interest of nine per cent., leaving a clear annual profit of $55,600, which is again loaned out at nine per cent. on the principle of compound interest. Long before the expiration of her charter, there will remain in the hands of the Commissioners of the Sinking Fund, after the extinction of the yearly interest on the Bank loan, a sum sufficient to pay off the entire principal, leaving the whole of the stock of the State as our profits. In accordance with a provision of the charter, this is to be used as a fund for the support of Free Schools. Our bank is therefore emphatically a State Institution, closely identified with the interests of the State and her citizens, and as long as she continues to discharge her legitimate duties with the fidelity and success so honorably characteristic of her past history, she will retain the undivided support and merited confidence of the people.

The necessity of sustaining the sound banking institutions of the States is apparent and generally admitted. The suspension of specie payments worked a forfeiture of the charters of the Banks in several of the States. The Legislatures on being convened to advise with regard to the subject have uniformly adopted protective enactments. In many states, as in our own, the Legislatures have not deemed it proper to annex the penalty of forfeiture to a suspension of payment. Our banks are made liable for twelve per cent. when they fail to redeem their notes, and may be withdrawn and wound up at the discretion of the State Board. The wisdom of not exacting a forfeiture is now fully attested. It has enabled our Banks quietly and efficiently to discharge their accustomed duties, and to aid in warding off from our trading, agricultural and manufacturing interests, the threatened disasters of the crisis. If the State had reserved to herself the authority to resume the charter on such a contingency, and had with a rigid and inflexible regard to her rights exerted it, the step would have sapped the foundations of our credit, and inflicted a blow on our

interests which would have required years of uninterrupted prosperity to repair.

On viewing the amount of interest the State possesses in the stock of the Bank, the nature of the objects its establishment was designed to subserve, the beneficial influence it has exerted on every branch of enterprise, and the immense gain that will ultimately accrue to the people, you will find within the range of your duties, no subject more worthy of your attention. The safety of the Bank is found in the prudent management of her ample means, and secured by the personal responsibility of her directors and stockholders. Her charter derived from the State is not susceptible of alteration any more than a written contract between two individuals, which, until altered by their mutual agreement, is their mutual obligation. The granted powers, like all trusts committed to human hands, are liable to abuse, and the State possessing a large share of the stock, it is alike, your right and duty, as the chosen guardians of the public interests, to exercise a rigid and watchful scrutiny over its affairs. If they have been rightfully and faithfully conducted, the confidence of the Legislature ought to be freely awarded. If, however, the restraints of the charter have been disregarded, or if the delicate trust with which you have invested her has been abused for unworthy purposes, the offending officer should be dismissed and held amenable to the laws of the country.[19]

[19] After deliberating on this part of the Governor's message, both the House and Senate judiciary committees made lengthy reports. The Senate committee divided, with Senator Andrew Kennedy presenting the majority report censuring the action of the bank directors, and Richard W. Thompson presenting the minority report defending their action. The minority report was adopted. The joint resolution which was introduced and passed both houses embodied this minority report, stating that the action of the bank directors in suspending specie payment was "justifiable and necessary under the then existing circumstances." The resolution required the branches to resume specie payments within thirty days after a general resumption thereof in the Atlantic cities, and simultaneously with the banks of Ohio and Kentucky. Indiana *Senate Journal,* 1837-38, pp. 529-49; *House Journal,* 1837-38, pp. 173-76; *Laws of Indiana,* 1837-38 (local), pp. 442-43. The Indiana banks resumed specie payment with the others on August 13, 1838, but suspended payment again on November 19, 1839. Buley, *The Old Northwest,* 2:276, 286.

Notwithstanding the discouragement, presented by the aspect of the money market at the opening of the spring, the negociations of our Fund Commissioners resulted in the success hitherto attending them. Without resorting to the discretion given them by the Legislature, as to the sale of six per cent. bonds, all the funds necessary for our purposes, have been procured at five per cent. interest, besides a handsome premium, more than the face of the Bonds. The whole sum borrowed amounts to two millions and thirty thousand dollars, of which $430,000 were at par, and upon the remaining one million six hundred thousand dollars, a premium of two and three per cent. was received, making thirty four thousand dollars.

By this fortunate arrangement, our Fund Commissioners have saved from $310,000 to $350,000 to the State, comparing their success with the sales made of the Bonds of other States, bearing an interest of six per cent. a difference that is not disparaging to others, whilst it faithfully reflects the high character of the State, in the estimation of the public. The annual difference between 5 and 6 per cent. in the payment of interest on our loans, will be ten thousand dollars for every million of our debt. The funds obtained by those negociations are safely deposited in New York, at the same interest we pay. By an arrangement made with our Banks, the funds needed on the lines are advanced and disbursed solely by the agency, and through the responsibility of the Banks, and in return they receive at stated periods, checks on the east for the monies thus supplied. By these means, the public money remains at interest until it is paid out, and the State avoids the hazard and cost of transfering and disbursing it.

The signal and unexpected success of our Fund Commissioners, at a period so inauspicious, is an evidence of their fitness and capacity for the discharge of the arduous trust committed to them, and entitles them to the continued confidence of the Legislature and the people.

I should be remiss in my duty towards these meritorous officers, were I not to avail myself of the present occasion to assert their just claims to a more liberal compensation. That allowed them by law, will not justify them in leaving their families and business,

and I beg permission to ask your favorable consideration to the subject.[20]

The furniture directed to be procured for the several apartments of the Capitol has been furnished by the Treasurer. The Square has been graded and ornamented with forest and other trees and shrubbery. Two rooms have been neatly prepared under the direction of the Secretary of State, and appropriated as the law directs, to the Indiana Law Library and Library of State. The latter has received as valuable an addition of approved and standard works as the annual appropriation could command.

The present is the last opportunity I shall have of appealing to you in behalf of the State College at Bloomington, and I cannot, without disregarding the suggestions of duty, pass it by in silence. A high standard of proficiency is required from the candidates for its honors, a wholesome discipline is enforced, and every effort is made by the faculty to ensure the promised objects of its establishment. They have succeeded thus far in advancing with the progress of our growth and resources. The wants of the age now demand a broader diffusion of the lights of science and of the principles of sound morality and virtue, and deeming this a propitious time for carrying into effect the provision of the constitution of Indiana, with regard to the establishment of a State University, I beg you to indulge me in repeating the recommendation, that you shall bestow on the institution that distinction and the necessary endowments.[21]

The appointment of State Geologist created by a late law; was tendered to David Dale Owen of our State. After fulfilling an antecedent engagement with the Geologist of Tennessee to visit the mountain regions of that State, he accepted it and entered on the discharge of his duties. His first and preliminary object was to ascertain what geological formations exist in the State, and to

[20] The compensation of the fund commissioners, as established by act of February 6, 1837, was $2.00 for each day spent on business for the state, plus an "equitable" allowance for traveling and other contingent expenses. *Revised Laws of Indiana,* 1838, p. 350. No change was made in their salary at this session.

[21] The Indiana College was raised to the rank of a university by act of February 15, 1838. *Laws of Indiana,* 1837-38 (local), pp. 294-98.

determine and trace their boundaries. With that view he passed through its leading subdivisions. In the course of his examinations, he discovered numerous seams of coal, lime-stone, marble, sand-stone, alum-slate, free-stone, water-lime, peat moss, and abundant deposites of every variety of iron ore. The indications of the latter are such as to warrant the assertion that it exists in quality and richness equal to the supply of our wants. In some situations and within a small compass of ground, the ore, coal, lime-stone, and sand-stone, are found with sufficient water power and good timber, all of which are necessary in converting and reducing that valuable mineral to useful purposes. Although the survey owing to its recent commencement, has necessarily been confined to a general examination of the geological structure and resources of the State, yet the results attest its importance, and will authorize more detailed and systematic researches. The report is one of some labour and will require corresponding time for its submission.[22]

By a special enactment of the Legislature, the revision and amendment of our statute Laws, so much needed, was committed to the Judges of the Supreme Court. The vacancy on that Bench, occasioned by the lamented death of Judge McKinney, was not fulfilled until the June session of the Court.[23] So great an amount of additional duty was thereby imposed on the remaining incumbents, that although some progress has been made, they have not been able to conclude the labour assigned to them. No report will therefore be prepared for your present meeting. In the complex, if not confused and ambiguous condition of our laws,

[22] Owen's report is in the *Senate Journal,* 1837-38, pp. 127-57, and in the *Documentary Journal,* [No. 42]. Owen delivered a series of three lectures on geology in Indianapolis on December 16, 18, and 19. Calvin Fletcher Diary, Indiana Historical Society Library.

[23] Jeremiah Sullivan of Madison was appointed to serve out the term of John T. McKinney, of Brookville, which was due to expire at the end of the year. See above, 540, 547. On December 11, 1837, Governor Wallace nominated for reappointment the three incumbents—Isaac Blackford, Charles Dewey, and Jeremiah Sullivan. The appointment of the first two received the unanimous consent of the Senate; the vote on Sullivan was 25 in favor to 20 opposed. *Senate Journal,* 1837-38, pp. 106, 117.

the want of such a volume as the public anticipate from the hands of their Supreme Judges is sensibly felt. Confided as the task is, to those confessedly the most competent from their attainments, the nature of their pursuits, and a knowledge of the imperfections of the existing law to do it justice, it would be well in such an important matter, to afford them time and opportunity to meet the public expectation.

The provision of the act creating an agency for the superintendence and improvement of the Tippecanoe Battle Ground, have been complied with by the appointment of W. F. Reynolds, Esq., of Lafayette. Measures have been taken to inclose the field of that conflict, made memorable by the bravery of those gallant spirits, whose honored remains have been gathered and now repose together in its bosom. The design of the monument to be erected by the State, has not yet been procured for the want of a knowledge of the most competent artists. It was thought advisable to postpone the subject to the present meeting of Congress, to enable the Governor, through the Indiana Delegation, to ascertain and communicate with artists of the highest reputation.

To adjust and settle definitely all doubts, in relation to the course and termination of that part of the boundary line, between this State and Ohio, near the mouth of the great Miami, the Governor carried out the instructions of the Legislature by the appointment of a Commissioner on the part of Indiana, to act in conjunction with the one representing Ohio. The joint commission composed of John A. Matson of this State, and Micajah T. Williams of Ohio, met at the place appointed by law, were qualified and entered upon the discharge of their duties. They succeeded in establishing the boundary. Monuments will be erected to indicate the separating line of our jurisdiction.[24]

The semi-annual examinations of the State Prison, its policy, and inmates have been made by W. C. Foster, Esq., the visitor. The superintendents do not, as he thinks, make unreasonable exactions of labour, nor do they exercise too great severity in the enforcement of the rules for the government of the convicts. He disapproves of a portion of their daily food.

[24] See above, 494-95n, 574-75.

The improvements, with a view to the enlargement of the prison have not been commenced, owing to the insufficiency of the appropriations made for that purpose. The urgent necessity for them requires the further attention of the Legislature.[25]

J. H. Colton, Esq. of the City of New York, proposes to publish, on a large scale, the map of Indiana, and has forwarded a copy of it in its yet unfinished state, for the inspection of the members of the Legislature, through whom he wishes to correct errors, if any exist. Several of the states, appreciating the necessity of having accurate maps of their respective territories, have patronized similar projects, and forwarded copies to other states. Should you feel disposed to reciprocate the favor thus received, it is the intention of Mr. Colton, to make the map of this state so much superior to any now published, as to entitle it to your patronage.[26]

The constant and multiplying dangers to which the archives of the state department and the records and files of several of the public officers are exposed, deserve the anxious attention of the legislature. They occupy the public building commonly called the "Governor's House," in which eight fires are constantly kept up. A spark from either may consume the whole, there being no other protection than that given by the officers and clerks when attending at their places during the day. Their preservation is of too much consequence to the State, to be longer left liable to the dangers that surround them. I would therefore advise some early provision for the erection of suitable fire proof offices on the public ground north of the capital. If you can make no better provision for the

[25] A new act was passed at this session for the regulation of the prison. *Revised Laws,* 1838, pp. 572-76. It included provision for erecting an additional building on the prison grounds.

[26] The Secretary of State was authorized to purchase 120 copies of the map at $8.00 each, to be distributed to each of the counties in the state, and to the other states and territories of the United States. *Laws of Indiana,* 1837-38 (local), pp. 447-48. The map was drawn on a scale of five miles to the inch and showed the section lines, township and county boundaries, Indian reservations, roads, and all of the authorized public works, lands granted for schools, colleges, and internal improvements, and cities, towns, villages, and post offices.

means, they may be procured from the sale of the building named, with the ground attached to it.[27]

I invite the attention of the legislature to the law providing for the appointment of pilots at the falls of the Ohio. Its object was to afford the extended commerce of that river, all the safety and facilities that could be afforded by the selection of skilful and experienced pilots to conduct it over the falls. They were limited to four in number. The emoluments of these situations being very profitable at certain shipping stages of the river, a spirit of competition has been thereby engendered, which threatens to defeat the wise intentions of the law. Since your last session, owing to the absence of one of the pilots, the Governor made an appointment under an impression, derived from representations made to him, that the individual had abandoned his commission. To obtain the benefits which the law was designed to subserve, a strict fidelity should be exacted from the incumbents by the legislature. The only means of securing it, would be a penalty in the shape of a forfeiture, to be rigidly enforced for every dereliction of duty. The interests involved, require that the appointments should be made with the most guarded caution and with an exclusive reference to the qualifications of the applicant. As the distance of the seat of government from the points where the services are needed, precludes the Governor's acting from personal knowledge, I would suggest, as conducive to the selection of the most competent individuals, the expediency of so modifying the appointing power, now lodged with the Governor, as to require the recommendation of the circuit or county court of the adjoining county.[28]

[27] There was no legislation on this subject at this session. The Governor's House in the circle was used at this time by the judges of the Supreme Court and perhaps by the officers of the State Bank. Evidently the Secretary of State and perhaps some other state officials still kept all or part of their records there. The house was also used for social affairs. See Rose, *The Circle,* 360-63.

[28] There was no legislation on this subject at the present session. The Secretary of State's file of Recommendations, Appointments, and Resignations contains a great many recommendations for appointments of pilots.

The increasing amount of business in our judicial circuits is a grievance which requires the correcting exercise of your authority. It may be remedied by erecting an additional circuit, by prolonging the terms of the court, or increasing their number. Either of these remedies will, I doubt not, effectually remove all cause of complaint, and it is your province to select that which will best accomplish the intended object.[29]

I have heretofore fully exposed to the legislature, my objections to our probate system, and proposed the remedies most approved by my judgment. To them I refer you, and will simply reiterate the opinion, that without a substantial change it can never efficiently guard the rights and interests of the widow, the orphan and the creditor, the protection of which was the chief object of its erection.

Should the Legislature not concur in the views heretofore submitted, a partial remedy for the evils of the present defective system will be found in the appointment of a Commissioner of Probates in each county. In case of a failure on the part of the decedent to make an appointment, the usual duties of an administrator, and the right to investigate all claims upon the estate may be given to the Commissioner, requiring him to make full reports of his proceedings to the court. To prevent the accumulation of large sums in his hands, his duties may cease, on his depositing the notes and evidences of debt with the clerk. On reaching their maturity the court may appoint the next of kin or some other person to collect the amount due on them and pay the claims, after they have been approved by the Commissioner and certified by the clerk. For the want of legal and business qualifications on the part of administrators, expenses are incurred and losses sustained.[30]

The law regulating escheats is defective in some of its pro-

[29] Some changes were made at this session in the grouping of the counties in the judicial districts and in the time of holding courts; a year later more changes were made and two new circuits were created. *Revised Laws*, 1838, pp. 164-72.

[30] The probate laws were codified and some revision made in them at this session, but provision for the appointment of a probate commissioner was not made.

visions. From recent adjudic[a]tions it appears that native-born children of alien parents may be deprived of their estates. Whilst it is the true policy to deny to aliens many of the rights and privileges afforded by our institutions until they comply with the conditions necessary to citizenship, yet such a decision, although unavoidable under the present law, is repugnant to our sense of justice, to the genius of our laws, and to the intention of the Legislature. Estates which should rightfully revert to the public use, are also liable to be retained under disguised and fraudulent pretences of individual claimants, from the want of an authorized agent to investigate and prosecute the rights of the State. I would advise therefore a thorough and careful examination of the whole subject, with a view to an amendment of the defects of the existing law.[31]

The preamble and joint resolutions of the States of Massachusetts and Mississippi, relative to the extension of the franking privilege, have been received, and I now have the honor of submitting them to you.[32]

In compliance with the request of His Excellency the Governor of Kentucky, I lay before the Legislature a communication, enclosing a preamble and joint resolution of the legislature of that State, requesting the protection of our laws against the seduction and concealment of the slaves of her citizens, when they escape, and as they pass along the Ohio River, in the service of their masters.

[31] Early in the session a bill was introduced in the House to enable citizens of the United States to inherit lands in Indiana possessed by their alien ancestors. The judiciary committee to which it was referred reported that by an act of Congress and by an act of the Indiana legislature passed in 1818, aliens who had declared their intention of becoming citizens of the United States were permitted to purchase land and "to have and hold the same, to them, their heirs, assigns, and legal representatives." The committee deemed this provision sufficient and asked that the bill be indefinitely postponed. *House Journal,* 1837-38, pp. 39, 73-74.

[32] The Assembly passed a joint resolution declaring that the franking privilege ought to be extended to the governors of the several states so far as it related to public documents. *Laws of Indiana,* 1837-38 (local), p. 445.

Upon all questions connected with the institution of slavery, the citizens of this State have been exempt from excitement. Ever mindful of the duties which devolve on her as a member of the great family of American States, united under a common government, and bound together by past recollections, by an identity of origin and a community of general interests, the State of Indiana has religiously abstained in her principles and her policy from every act that could be construed into a disposition to tamper with, or disregard the domestic institutions of her sister States. By a reference to our laws on the subject, it will be seen that they have been shaped with a view to protect the interests and rights of the citizens of those States where slavery has been established, and to furnish all just facilities for the reclamation of that species of property. By the act of 1824, a provision is made for an arrest and hearing, in a most summary manner, our judicial tribunals are ever ready to enforce the law, and a full measure of damages is awarded to the aggrieved individual. Our laws relating to crime and punishment impose a fine not exceeding five hundred dollars, on any one who shall knowingly employ a slave, conceal him, encourage his escape, give him a certificate of emancipation, or a pass, or who shall obstruct his arrest, when claimed by the owner. The claimant is moreover entitled to his action for damages of five hundred dollars against the offending individual.

With the ample provisions already made, I confess my inability to point out other or more efficient means of redress. It is due, however, to Kentucky, to consider the subject, and to exercise that sound discretion which the occasion demands. And when you have deliberated, it will be due to that State, to reply in that feeling of amity, kindness and fraternal regard evinced in the communication submitted to you.[33]

[33] See *Revised Laws,* 1824, pp. 221-22; 1831, pp. 188, 375-76. The Senate judiciary committee to which this part of the Governor's message was referred reported that Indiana had always been mindful of the interests of her sister states, and had carefully avoided any interference with the delicate question of slavery. The laws then in force were believed to be sufficient to effect the desired object since they contained ample provision for reclaiming fugitive slaves and inflicting heavy penalties upon any one who should employ or conceal a slave or en-

The laws of this State in common with those of almost every other in the Union, require the executive officers and those connected with the disbursement of the public money at that point, to reside at the seat of government. Our officers consist of a Treasurer, Auditor, Secretary of State, one Fund Commissioner, and one member of the Board of Internal Improvement, in all five, in addition to the Governor's staff, whose duties are connected only with the militia. The first three are elected by the Legislature, and the Treasurer alone has any control over the public moneys. The other two were appointed by the Governor and Senate, and have large amounts of the public funds committed to their charge. These officers have uniformly kept safely, disbursed promptly, and most satisfactorily accounted for, every dollar passing through their hands; and there never has been an officer disbursing the public money at the Seat of Government, who has been guilty of any proved or known delinquency. You are aware, however, that active and artful attempts have been made to excite a distrust of the fidelity of the officers of the State Government, and to create the belief that there is a combination of officers residing at the capital, who are leagued with individuals, and are habitually guilty of gross perversions of their trust, and in the fraudulent use of the public funds. Our citizens have paid their taxes cheerfully and will no doubt continue to do so, under the belief that they are faithfully applied to the objects for which they were collected. Should they believe that the money so obtained, or that borrowed for our public works, is corruptly or improperly used by officers and individuals, they will and ought to withhold their confidence. If the charges are true, the offending individuals should be arraigned at the bar of public justice and before the tribunals of their country. If false, it is due alike to the accused and to the community, that the public mind should be disabused. You possess the power and on you devolves the high duty of examining narrowly into the discharge of every

courage his escape. *Senate Journal,* 1837-38, p. 297. Enforcement of these laws regarding fugitive slaves varied from county to county. See Emma Lou Thornbrough, *The Negro in Indiana Before 1900 (Indiana Historical Collections,* vol. 37, Indianapolis, 1957), 55-62.

public trust, and exposing all abuses that exist. I would, therefore, recommend the appointment of a committee with power to send for persons and papers, to investigate the whole subject. The public money is deposited in bank, and paid out only on the checks of the officers. If it has been applied to individual or improper purposes, you can easily detect and expose the abuses and apply the appropriate remedy.[34]

My official relations with the Legislature and the people terminate with this communication. The thought of separation creates in my bosom mixed sensations of pain and pleasure. On the one hand, I part with those with whom I have co-operated with all the regret a lively recollection of such an association is calculated to inspire. On the other, enjoying as I have, a full share of the honors of political distinction, and participating in the cares, the responsibilities and the burdens that throng the path of public duty, I welcome the hour of my release that restores me to the endearing pursuits of private life.

On reviewing the period of my official connection with you, it is gratifying to reflect that the confidence between the two branches of the government has been uniform and reciprocal. No other restraint than that opposed by official propriety has governed our intercourse, and my memory recalls no occurrence offensive to a just pride of station, or at variance with the claims of personal respect. In my zealous devotion to the public prosperity, I have freely offered suggestions. Some of them have been made the basis of legislation, and have thus been sanctioned by your better judgment. Other recommendations were regarded as inexpedient,

[34] The committee of the House which was asked to investigate the official conduct of the Canal Fund commissioners reported that they did not find any improper use of public money, that the commissioners had received and retained $4.00 per day as compensation in the belief that was the intention of the legislature, and that the board as a whole had negotiated the loan with the banking firm of J. J. Cohen, Jr., and Brothers, of Baltimore, by which the state was likely to lose a large sum. The committee of the Senate likewise upheld the manner in which the commissioners had conducted the business of the state and pointed out that Indiana bonds had sold on better terms than those of Illinois and Ohio during the past year. *House Journal,* 1837-38, pp. 339-45; *Senate Journal,*

but in place of exciting mortification, the reasons elicited by investigation for their rejection have tended to increase my conviction of the excellence of that feature of our republican system which interposes the Legislative branch between the Executive and the people.

The six years of my public service, to which I have alluded, have been marked with events that will not readily be overlooked in the history of the State. At the suggestions of the public spirit and intelligence of our common constituents, schemes of policy have been adopted by the Legislature, involving lasting and incalculable results to her prosperity and fame. The opportunity I enjoyed of the tender of my feeble aid now ceases, and on you devolves the honorable task of sustaining her cherished policy, and of identifying your names with that series of measures that will tend to aid her in the fulfilment of the high destiny that awaits her. Although separated from you, I shall nevertheless regard your action with anxious solicitude, and I fervently invoke the Divine Being to extend his beneficient and protecting care over your counsels, and to guide you in the path of wisdom, prosperity and honor.

N. Noble

APPENDIX

Vote for Governor and Lieutenant Governor, 1831[1]

County	Governor			Lieutenant Governor			Scattering	
	Noble	Read	Stapp	Wallace	Smiley	Gregory	for Governor	for Lieut. Gov.
Allen	193	9	6	205	2	—		
Bartholomew	407	211	311	180	340	310		
Boone	58	100	16	91	27	29		
Carroll	171	142	4	167	147	—		
Cass	191	29	—	217	1	—		
Clark	439	931	218	511	849	97		
Clay	56	114	89	129	97	12		
Clinton	150	38	9	148	46	3		
Crawford	312	180	38	343	56	100		
Daviess	298	503	22	629	167	10		
Dearborn	675	1000	268	764	1033	102		13
Decatur	681	241	66	253	211	510		2
Delaware	92	71	142	125	143	23		
Dubois	35	241	43	97	93	14		
Elkhart	159	21	2	167	10	—		1
Fayette	637	690	107	442	753	219		
Floyd	347	466	125	402	403	53		
Fountain	578	622	56	900	302	44		
Franklin	820	306	77	926	245	20		
Gibson	399	425	7	275	365	5		

Grant	102	7	—	76	1	—		
Greene	194	432	28	145	112	58	8	121
Hamilton	232	33	35	241	31	16		
Hancock	149	112	13	78	171	21		
Harrison	762	192	268	795	86	215		
Hendricks	26	311	55	139	282	169		
Henry	803	275	17	110	295	570		
Jackson	316	404	9	132	444	112		
Jefferson	130	529	982	838	590	160		
Jennings	200	218	280	329	136	200		
Johnson	276	213	213	166	508	10		
Knox	399	420	130	499	350	68		
Lawrence	661	416	104	278	336	484	4	20
Madison	357	84	6	183	195	31		2
Marion	624	422	228	531	169	135	1	1
Martin	69	158	89	195	52	66		
Monroe	260	769	32	356	730	6		
Montgomery	280	391	309	534	416	18	5	
Morgan	437	335	16	254	337	108		1
Orange	339	588	23	333	298	145	3	19
Owen	257	348	28	407	166	22		
Parke	675	508	103	988	227	30		7
Perry	213	148	87	236	—	11		3
Pike	172	260	2	265	38	—		17
Posey	370	645	15	266	486	2		
Putnam	629	498	198	898	343	20	4	
Randolph	208	139	138	244	151	63		
Ripley	514	215	141	418	235	190		
Rush	800	396	174	467	690	208		

Vote for Governor and Lieutenant Governor, 1831

County	Governor			Lieutenant Governor			Scattering	
	Noble	Stapp	Read	Wallace	Smiley	Gregory	for Governor	for Lieut. Gov.
St. Joseph	111	—	12	106	6	6		
Scott	176	241	58	262	181	—		
Shelby	534	374	52	45	373	531		
Spencer	144	218	6	116	131	—		19
Sullivan	146	594	53	300	442	—	32	
Switzerland	410	350	233	246	424	256		8
Tippecanoe	540	498	34	608	457	—		
Union	460	372	242	286	512	255		
Vanderburgh	167	224	30	274	78	10		
Vermillion	528	340	56	702	185	11		
Vigo	797	123	41	857	22	2		4
Warren	303	99	24	256	38	105	5	1
Warrick	150	325	24	176	190	1		
Washington	704	804	50	547	623	163		
Wayne	1196	634	740	648	675	1134		
	23,518	21,002	6,984	22,801	17,502	7,163	62[2]	239[3]

[1] Compiled from the election returns sent by the county clerks to the Speaker of the House of Representatives, and now filed in the Archives Division. The returns for Hendricks, Knox, and Washington counties were missing; these have been supplied from the returns in the Vincennes *Western Sun,* September 24, 1831.

[2] Sixty-one of these votes were for James Scott, one for Robert Hanna, Jr.

[3] Amos Lane received 157 of these votes, Alexander S. Burnett, 73, C. P. J. Arion, eight, and James Brown Ray, one.

Vote for Governor and Lieutenant Governor, 1834[1]

County	Governor		Lieutenant Governor		Scattering	
	Noble	Read	Wallace	Culley	for Governor	for Lieut. Gov.
Allen	246	112	244	112		
Bartholomew	657	631	626	613		
Boone	244	227	261	187		
Carroll	272	344	290	312		
Cass	449	53	459	37		
Clark	672	941	755	767		
Clay	60	333	162	167		
Clinton	310	178	318	166		
Crawford	300	198	373	14		
Daviess	338	402	476	233		
Dearborn	1293	1039	1012	1292		
Decatur	869	326	861	330		
Delaware	297	163	341	49		
Dubois	82	249	120	118		
Elkhart[2]	172	119	150	136		
Fayette	945	574	960	547		
Floyd	588	297	717	78		
Fountain	655	820	1226	205		
Franklin	1061	384	162	356		
Gibson	502	494	441	342		
Grant	111	40	135	8		
Greene	342	448	296	402		

Vote for Governor and Lieutenant Governor, 1834

County	Governor		Lieutenant Governor		Scattering	
	Noble	Read	Wallace	Culley	for Governor	for Lieut. Gov.
Hamilton	366	171	366	168		
Hancock	295	260	357	180		
Harrison	665	725	916	125		
Hendricks	552	411	571	277		
Henry	984	382	978	303		
Huntington	257	30	261	25		
Jackson	383	577	390	486		
Jefferson	1021	689	1179	495		
Jennings	435	321	476	242		
Johnson	511	440	443	250		
Knox	700	435	839	238	1	
Lagrange	97	54	88	62		
LaPorte	328	150	242	145		5
Lawrence	618	533	608	406		
Madison	532	132	425	45	24	
Marion	1020	776	1038	769		
Martin	105	299	189	196		
Miami	70	20	88	4		
Monroe	548	673	541	664		
Montgomery	859	466	1065	216		
Morgan	712	488	687	362		
Orange	383	692	365	485		

Owen	306	386	306	346		
Parke	687	654	897	315		
Perry	325	78	350	29		
Pike	182	280	129	150		
Posey	415	722	428	601		
Putnam	854	748	940	480		
Randolph	432	138	436	88		
Ripley	741	239	750	227		
Rush	1219	704	1250	595		
St. Joseph	348	98	341	83		
Scott	304	291	377	192		
Shelby	872	492	694	628		
Spencer	240	163	155	86		
Sullivan	242	603	333	448		
Switzerland	793	297	771	295		
Tippecanoe	904	597	917	570		
Union	709	559	699	550		
Vanderburgh	243	206	198	113		
Vermillion	563	455	786	213		
Vigo	939	293	1027	174		
Warren	443	206	495	150		
Warrick	173	273	142	224		
Washington	658	1053	971	532		
Wayne	2225	578	2079	638		
White	50	28	50	23		5
	36,773	27,257	38,019	20,364	253	10[4]

[1] Compiled from the official election returns, now in the Archives Division.

[2] In making the returns for Elkhart County, the county clerk listed separately the votes from one township which

were received a day late. If these were accepted they would add to the totals listed here 24 votes for Noble, 39 for Read, 24 for Wallace, and 39 for Culley.

[3] Knox County gave one vote to Christopher Harrison, who had served as the state's first lieutenant governor. The other 24 from Madison County were intended for James G. Read but the voters had written the name as James B. and James C. Read.

[4] White County gave five votes to Ross Smiley; La Porte's five scattering votes were no doubt intended for David Wallace but the voters had written William Wallace and A. Wallace on their ballots.

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